

# SIMPLIFY CODES FOR AFFORDABLE DEVELOPMENT (TC22000001)

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*Draft Proposal for Governing Body Consideration – Updated July 24, 2023*

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Since their previous draft the applicant made the following six changes to their proposal:

1. Removed the changes to allow auditoriums in additional districts in the use table (5.1.2).
2. Limited the height of accessory structures to either two stories (and 32 feet) or to the height of the primary structure, whichever is greater (5.4.1A).
3. Reinstated the 10-foot minimum rear yard requirement for the CI district but allow rear yards to be reduced to zero on parcels that are not adjacent to residential districts or single-family or two-family uses (6.10.1).
4. Reinstated a minimal setback for residential mechanical equipment that encroaches into yards but reduce it from three feet to one foot (6.12.3B.11).
5. Added a new option to provide a wall as an alternative to the buffer required for nonresidential uses next to residential properties in nonresidential districts, except for industrial uses (9.4.3C.3).
6. Excluded industrial uses from the proposed exemption from project boundary buffers for projects on lots less than 20,000 square feet in the Urban Tier, Commercial Infill District and Design Districts (9.4.5C).

## **PART 1**

[Amendments to Article 3, Applications and Permits]

### **Sec 3.7 Site Plan Review**

[Paragraphs not listed remain unchanged]

#### **3.7.2 Applicability**

All proposed development or changes of use, except as indicated below, shall be subject to the site plan review process. [Development that is part of a Common Plan of Development as defined in the City of Durham Code of Ordinances shall be subject to regulations and requirements therein.](#) The following are exempt from site plan review:

A. Single-family and two-family development on existing single lots of record.

[B. Townhouse or detached rowhouse development consisting of 10 units or fewer where each unit has a maximum footprint of 1,000 square feet. Additionally, land disturbance shall be less than 1 acre in the Jordan Reservoir Watershed, 12,000 square feet in the Falls Reservoir Watershed, and 0.5 acre in the Neuse River Basin.](#)

[C. Accessory dwelling unit development where the primary use is civic, consisting of 20 units or fewer where each unit has a maximum footprint of 1,000 square feet. Additionally, land disturbance shall be less than 1 acre in the Jordan Reservoir Watershed, 12,000 square feet in the Falls Reservoir Watershed, and 0.5 acre in the Neuse River Basin.](#)

[D. Development of lots 20,000 square feet or less located in the CI District or utilizing the CI District dimensional standards. For residential uses, CI District density standards shall apply to any project utilizing the CI district dimensional standards. Additionally, land disturbance shall be less than 12,000 square feet in the Falls Reservoir Watershed.](#)

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**BE.** Development that does not require review by any City or County department for conformance with the standards of this Ordinance; or does not require a permit such as but not limited to fences or flagpoles. In instances where these types of development require a certificate of appropriateness (COA) or a special use permit, a site plan will not be required.

**CE.** Change of use where no additions to buildings or structures, or exterior land improvements, are proposed and the change of use:

1. Does not require additional parking or stacking.
2. Does not require additional landscaping.
3. Does not require a Traffic Impact Analysis (TIA) or no improvements are required as a result of a TIA analysis.
4. Only requires Architectural Review per Section 3.22.

**DE.** **Public Right-of-Way Improvements** [Text remains unchanged]

## **PART 2**

[Amendments to Article 4, Zoning Districts]

### **Sec 4.6 Neighborhood Protection Overlay**

[Paragraphs not listed remain unchanged]

#### **4.6.5 Tuscaloosa – Lakewood Neighborhood Protection Overlay**

##### **D. Residential**

##### **2. Housing Types**

Multifamily housing types shall be limited to multiplexes, ~~and~~ townhouses, and detached rowhouses, as allowed by the base zoning.

#### **4.6.6 Old West Durham Neighborhood Protection Overlay**

##### **C. General Standards**

##### **1. Primary and Accessory Structure Bulk (Floor Area Ratio)**

- a. The maximum floor area ratio (FAR) shall be 0.325 (32.5%). For purposes of this NPO only, floor area is defined as the heated square footage of the primary structure. The square footage of any garage, accessory dwelling unit, or accessory structure will not be used in the FAR calculation. ~~plus the total square footage (heated or unheated) of any garage, accessory dwelling unit, or any accessory structure that requires a building permit and is enclosed on more than two sides.~~

## **PART 3**

[Amendments to Article 5, Use Regulations]

### **Sec 5.1 Use Table**

[Paragraphs not listed remain unchanged]

#### **5.1.2 Use Table** [Portions of the table not shown remain unchanged]

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL								PLANNED					DESIGN			NOTES:
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C³	IL	I	PDR	UC	CC	IP	MU	DD	CD	CSD	
RESIDENTIAL USES																								
Household Living	Single-family	L	L	L	L	L	L	L	L	L	L			L		‡				‡	L	L	L	6.2.1, 6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.11.3, 6.11.7, 7.1.2, 7.1.3, 7.1.4, 7.1.5, Art. 16
	Two-family	L	L	L	L	L	L	L	L	L	L			L		‡				‡	L	L	L	6.2.2, 6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.11.3, 6.11.5, 6.11.7, Art. 16, 7.1.7
	Multifamily	L	L	L	L	L	L	L	L	L	L		L	L	‡		‡ L		‡	L	L	L	6.2.2, 6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.11.3, 6.11.5, 6.11.7, 7.1.8, 7.1.9, Art. 16	
	Family care home	L	L	L	L	L	L	L	L	L	L			L		L ‡				L ‡		L	L	5.3.2C, 6.2.1, 6.3.2, 6.4.2, 6.5.2, 6.9.1, 6.10.2, 6.11.3, 6.11.7, 7.1.2
	Upper story residential							L	L	L	L		L	L		‡		‡ L		‡	L	L	L	6.10.2, 6.11.3, 6.11.5, 6.11.7, Art. 16
Group Living	All group living, except as listed below			m	m	m	m	m	m		m					‡ m				‡ m	m			
	Co-living	m	m	m	m	m	m	P	P/L/m	P/L/m	P/L/m		P	L		‡ m	‡	‡		‡	P	P	P	5.3.2F
	Commercial dorm			L/m		L/m	L/m	L/m	L/m		L/m						‡ L				L	L/m	L/m	5.3.2A

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL						PLANNED				DESIGN			NOTES:			
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C <sup>3</sup>	IL	I	PDR	UC	CC	IP	MU		DD	CD	CSD
	Congregate living facility			L/m	L/m	L/m	L/m	L	L	L	L			<u>L</u>		‡ L/m				‡ L/m	L	L	L	5.3.2B
	Group home		L/m	L/m	L/m	L/m	L/m	L	L	L	L			<u>L</u>		‡ L/m				‡ L/m	L	L	L	5.3.2C
	Independent Living Facility			m	m	m	m	P	P	P	P			<u>P</u>		‡ m				‡	P	P	P	
PUBLIC AND CIVIC USES																								
Educational Facilities	Vocational, trade or business schools							P	<u>P</u>	P	P	P	P	P				‡	‡	‡	P	P	P	
COMMERCIAL USES																								
Overnight Accommodations	Bed and breakfast	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L			<u>L</u>		‡ L/m		‡ L		‡ L	L	L	L	5.3.4D

## Sec 5.2 Use Categories

[Paragraphs not listed remain unchanged]

### 5.2.3 Residential Use Categories

Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis.		
Principal Uses	Accessory Uses	Uses Not Included
Manufactured Home, Class A or B, manufactured home park or subdivision Multiplex, apartment Single-family detached, zero lot line, traditional house, patio house, semi-attached house, duplex, townhouse, <a href="#">detached rowhouse</a> Upper-story residential Family care home	Accessory dwelling unit (i.e. granny flats and mother-in-law apartments) Accessory structure Ancillary indoor storage Children's play area or equipment Greenhouse or nursery not engaged in retail trade Home occupation In-house care for six or fewer persons Private community center Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool Docks, noncommercial Apiculture Limited Agriculture (City Only)	Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations) Group Home (see Group Living) Independent Living Facility (see Group Living) Congregate Living Facility (see Group Living) Nursing or convalescent house (see Group Living) Residential assisted living facility not having individual dwelling units (see Group Living)

### 5.2.4 Public and Civic Use Categories

#### H. Place of Worship

Characteristics: Places of assembly that provide meeting areas for religious practice.		
Principal Uses	Accessory Uses	Uses Not Included
Church, mosque, synagogue, or temple	<a href="#">Accessory dwelling unit</a> Ancillary indoor storage Associated office Columbaria, memorial garden Day care Food services, dining area, food pantry or meal center Meeting room/classroom for meetings or classes not held on a daily basis Shelter <a href="#">Staff accessory dwelling unit</a>	Athletic, tennis, swim or health club (see Retail Sales and Service) Educational facility (see Educational Facilities) Neighborhood arts center or similar community facility, public (see Community Service) Private community center (see Household Living: Accessory Use) Revival or gospel tent (see Sec. 5.5, Temporary Uses) Senior center (see Community Service) Social service facility (see Social Service Institution) Treatment center, transient lodging, shelter for the homeless (see Social Service Institutions)

### Sec 5.4 Accessory Uses and Structures

[Paragraphs not listed remain unchanged]

#### 5.4.1 Accessory Structures

Accessory structures shall be subject to the following additional requirements:

A. An accessory structure(s) shall not be larger than the primary structure in square footage. The height of the accessory structure shall not exceed the greater of a) two stories and 32 feet or b) the height of the primary structure in feet.~~An accessory structure shall be clearly subordinate to the primary structure in aspects of size and purpose.~~

B. Accessory structures shall be located as follows:

1. Accessory structures associated with a single-family or duplex structure shall be located to the rear of the ~~rear~~ front building line of the primary structure, with the following limitations and exceptions:

a. Except in the RU and RC Districts, the accessory structure shall be set back at least five feet from the rear and side property lines.

b. Accessory structures in the RU and RC Districts shall be set back at least three feet from the side and rear property lines.

c. Accessory structures in the RR District can be located in front or to the side of the primary structure provided that:

(1) It is not located in the street or side yard; and

(2) It is on a lot at least two acres in size.

d. An accessory structure in the RS-20 District in the Suburban or Rural Tier can be located to the side of the primary structure provided that:

(1) It is not located in the side yard; and

(2) It is on a lot at least two acres in size.

2. Accessory structures in Design districts shall be located to the rear of the rear building line of the primary structure(s) and shall be subject to the side and rear yard requirements of those districts.

3. The location of accessory structures associated with Places of Worship shall not be restricted, with the following exceptions:

a. Except in the RU and RC Districts, the accessory structure shall be set back at least five feet from the rear and side property lines.

b. Accessory structures in the RU and RC Districts shall be set back at least three feet from the side and rear property lines.

c. On parcels less than two acres, accessory structures shall not be allowed in the street yard between the primary structure and the right-of-way. On corner lots, this restriction shall only apply to one street yard, at the discretion of the applicant.

d. For parcels in the Urban and Downtown Tiers, no more than 75% of the site may contain accessory structures. For parcels in all other tiers, no more than 50% of the parcel may contain accessory structures.

43. Accessory structures for all other development not indicated above shall be located to the side or rear of the primary structure, but not within side or rear yards. For developments with more than one primary structure, the primary structure located closest to the right-of-way shall be used to locate the accessory structure.

5. On corner lots, Accessory structures will be subject to one street yard.

6. On flag lots, an accessory structure is not required to be behind any primary building line.

[Paragraph C remains unchanged]

D. The maximum height of an accessory structure in residential areas shall be 25-32 feet. ~~Infill height requirements per Sec. 6.8, Infill Development for Residential Districts, shall not apply.~~

[Paragraph E remains unchanged]

F. In addition to the requirements in paragraphs A, B, C, and E, accessory structures in Design districts shall comply with the following standards:

1. The height of the structure shall not exceed the lesser of 35 feet 3 stories or 40 feet and shall not exceed the primary structure in height; and
2. The structure shall be compatible with the primary structure in style, materials, roof form, and details.

#### **5.4.2 Accessory Dwellings**

Accessory dwellings shall be subject to the following additional requirements:

[Paragraph A remains unchanged]

#### **B. General**

1. An accessory dwelling unit shall be allowed as follows:
  - a. On a residential lot developed with one or two primary dwelling units. Only one accessory dwelling shall be allowed.
  - b. For certain civic uses as indicated in Sec. 5.2, Use Categories, provided that:
    - (1) ~~No more than three~~Multiple accessory dwelling units shall be allowed for 5.2.4.H Place of Worship, limited by standards set forth in Sections 5.4.1 and 5.4.2. For all other civic uses as indicated in Sec. 5.2, no more than three units shall be allowed.
    - (2) The units can be located anywhere on the lot and shall comply with the minimum yard requirements applicable to primary structures.
    - (3) The maximum size of each unit shall be 1,000 square feet on a single story and 12800 square feet total. There shall be no maximum for collective square footage across multiple accessory dwelling units.
    - (4) No additional parking is required.
    - (5) No special use permit is required. Place of Worship shall not need a special use permit for the accessory dwelling even if it does not have a special use permit for its primary use.
    - (6) Projects consisting of more than 10 units shall be subject to Site Plan Review.
  - c. Density limits shall not apply to accessory dwelling units.
  - d. If a primary dwelling is a single-family residence, an accessory structure may be a duplex, so long as the total heated sf of the ADU does not exceed 1200 square feet for both units combined.

2. The accessory dwelling can be located within the primary structure (attached) or separate (detached) from the primary structure.

a. An accessory dwelling may be built prior to its primary dwelling provided it is on the rear 40% area of the lot and complies with all provisions applicable in Sec. 5.4.

3. A nonconforming accessory structure can be renovated or reconstructed to an accessory dwelling.

4. The heated floor area of the accessory dwelling shall not exceed 1,000 square feet on a single story and 800-1200 square feet total, except in the RR District, where the heated or air-conditioned floor area can be a maximum of 50% of the primary dwelling heated or air-conditioned floor area on lots of four acres or larger. However, in no instance shall the floor area of an accessory dwelling unit equal or exceed the floor area of the primary structure.

[Paragraphs 5-8 remain unchanged]

#### 5.4.9 Swimming Pools

#### B. Outdoor Community Pools, Private Club Pools, or Townhouse, Detached Rowhouse, Multiplex and Apartment Pools

1. Except for roof-top pools, outdoor pools including decking shall be located at least 100 feet from any property line adjacent to a single-family residential district or use. For purposes of this paragraph, a district or use that is across a public right-of-way shall not be considered adjacent.

2. When the pool is adjacent to off-site residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement shall not apply when a permit has been issued for a special event.

3. All outdoor pools shall be enclosed by a fence. The exterior walls of buildings can be incorporated as a portion of the fence to create a fully enclosed area around the pool.

a. All fence points of ingress/egress shall be equipped with self-closing and self-latching gates.

b. The fence shall be at least four feet in height with a maximum opacity of 50%.

### PART 4

[Amendments to Article 6, District Intensity Standards]

#### Sec 6.2 Residential Rural (RR) Development Intensity

[Paragraphs not listed remain unchanged]

#### 6.2.1 Development Standards

##### A. Dimensional Standards

1. All residential development in the RR District shall meet the standards in the table below.

Dimensional Standard	Rural Tier Watershed		Rural Tier Non-Watershed		All Other Locations	
	Min.	Max.	Min.	Max.	Min.	Max.
Residential Density (units per acre)						
Conventional Subdivision	—	0.33	—	0.5	—	1.4
Conservation Subdivision	—	0.5	—	0.75	—	2.0



Dimensional Standard	Rural Tier Watershed		Rural Tier Non-Watershed		All Other Locations	
	Min.	Max.	Min.	Max.	Min.	Max.
Open Space (% of gross area) <sup>1</sup>						
Conventional Subdivision	—	—	—	—	—	—
Conservation Subdivision	50	—	50	—	50	—
Lot Area <sup>2</sup>	3 ac.	—	2 ac.	—	30,000 s.f.	—
Lot Width (feet) <sup>2</sup>	200	—	150		100	—
Street Yard (feet) <sup>2</sup>	50	—	50		50	—
Side Yard (feet) <sup>2</sup>						
Minimum Each Side	25	—	12		12	—
Minimum Both Sides (total)	50	—	30		30	—
Rear Yard (feet) <sup>2</sup>	50	—	25		25	—
Height, conventional and conservation subdivision <del>(feet)</del>	—	<del>35</del>	—	<del>35</del>	—	<del>35</del>
<u>Stories (visual articulation)</u>		<u>3</u>		<u>3</u>		<u>3</u>
<u>Feet</u>		<u>40</u>		<u>40</u>		<u>40</u>

1 Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

2 For conservation subdivision dimensional requirements, see below.

2. Within a conservation subdivision:

- a. The minimum street yard shall be eight feet.
- b. No minimum side yard shall apply; however, a minimum building separation of 10 feet shall apply.
- c. Rear yards shall be those indicated for conventional subdivisions in the table in paragraph 6.2.1A.1 above.
- d. Minimum lot areas for conservation subdivisions shall be approved by the County Health Department for individual wastewater treatment systems. Where public or community wastewater systems are approved to serve the development, no minimum lot size or width shall apply.

3. Additional height is permitted for non-farm structures at a rate of one additional foot-story for every one-ten foot-feet of additional setback provided. In no event shall the structure be more than 45 feet in height.

### 6.2.2 Permitted Housing Types

Only single-family detached houses, as described in paragraph 7.1.2, and manufactured homes shall be permitted. For conservation subdivisions in the Suburban Tier, single-family, duplex, and townhouse, and detached rowhouse housing types are allowed.

### Sec 6.3 Residential Suburban (RS) Development Intensity

[Paragraphs not listed remain unchanged]

### 6.3.1 Development Standards

#### A. Dimensional Standards

1. All residential development in the RS Districts shall meet the standards in the table below. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RS-20		RS-10		RS-8		RS-M		
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max. without Development Plan	Max. with Development Plan (see paragraph 3.5.6)
Residential Density (units per acre)	—	2.0	—	4.0	—	5.0	—	8.0	18.0
Small Lot Option <sup>3</sup>	—	—	—	12.0	—	12.0	—	12.0	18.0
Open Space (% of gross area) <sup>1</sup>									
Conventional Subdivision	—	—	15	—	15	—	18		—
Cluster Subdivision	—	—	15	—	15	—	18	—	—
Site Area (acres)									
Conventional Subdivision	—	—	—	—	—	—	—	—	—
Cluster Subdivision	4	—	4	—	4	—	—	—	—
Site Width (feet)	—	—	—	—	—	—	200	—	—
Area and Width Requirements	See Sec. 7.1, Housing Types								
<u>Height</u>									
<u>Stories (visual articulation) Height—(feet)<sup>2</sup></u>	—	<u>353</u>	—	<u>353</u>	—	<u>353</u>	—	<u>353</u>	
<u>Feet<sup>2</sup></u>		<u>40</u>		<u>40</u>		<u>40</u>		<u>40</u>	

<sup>1</sup> Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

<sup>2</sup> Height is, or may be, further limited when using the small lot option, the reduced pole width flag lot option, infill standards, a neighborhood protection overlay, or by a local historic district.

<sup>3</sup> Per paragraph 7.1.2C.1, Applicability, the small lot option is not allowed in the RS-20 district. Refer to that paragraph for further limits on the other RS districts.

2. The maximum residential density does not apply to actions listed under paragraph 3.6.2, Actions Exempt from Subdivision Requirements (Exempt Plats). Where this maximum does apply, density can be increased in accordance with paragraph 6.3.3B, RS-M District Major Roadway Density Bonus, or Sec. 6.6, Affordable Housing Bonus. Other than these options, the maximum density shown cannot be exceeded even though the use of an alternative housing type may impose smaller lot size requirements.
3. For cluster subdivisions in the RS-20, RS-10, and RS-8 Districts, the lot size reduction would be added to the minimum open space requirement.
4. For both conventional and cluster subdivisions in the RS-M District open space requirements also apply to the development standards for apartments.
5. Minimum lot area for conventional, single-family detached housing types can be reduced in accordance with paragraph 6.3.3C, Lot Averaging.

6. In the Suburban Tier, additional height in the RS-20, RS-10, and RS-8 Districts is permitted at a rate of one additional ~~foot-story~~ for every ~~one foot ten feet~~ of additional setback provided. In no event shall the structure be more than 45 feet in height.

7. For projects in the RS-M District, the maximum height can be increased up to ~~55 feet~~ 5 stories through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit. In no event shall the structure be more than 60 feet in height.

8. Minimum lot area may be higher as required by the County Health Department for individual wastewater treatment systems or “package plant” style wastewater treatment systems.

### 6.3.2 Permitted Housing Types

Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the housing types permitted in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type	RS-20	RS-10	RS-8	RS-M
Single-Family Detached	✓	✓	✓	✓
Zero Lot Line House		✓	✓	✓
Traditional House	✓	✓	✓	✓
Attached House	✓ <sup>2</sup>	✓ <sup>2</sup>	✓ <sup>2</sup>	✓
Duplex	✓ <sup>2</sup>	✓ <sup>2</sup>	✓ <sup>2</sup>	✓
Townhouse	✓ <sup>1</sup>	✓ <sup>1</sup>	✓ <sup>1</sup>	✓
<u>Detached Rowhouse</u>	<u>✓<sup>1</sup></u>	<u>✓<sup>1</sup></u>	<u>✓<sup>1</sup></u>	<u>✓</u>
Multiplex				✓
Apartment				✓

1 Cluster subdivision only; see Sec. 6.7, Cluster Subdivision.

2 Only applicable within the Urban Tier, or cluster subdivisions in the Suburban Tier.

## Sec 6.4 Residential Urban (RU) Development Intensity

[Paragraphs not listed remain unchanged]

### 6.4.1 Development Standards

#### A. Dimensional Standards

1. All residential development in the RU Districts shall meet the standards in the table below. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RU-5		RU-5(2)		Min.	RU-M	
	Min.	Max.	Min.	Max.		Max. without a Development Plan	Max. with a Development Plan (see paragraph 3.5.6)
Residential Density (units per acre)	—	8.0	—	8.0	—	12.0	<u>20.0</u> <u>40.0</u>
	6.0	8.0	6.0	8.0	8.0	12.0	<u>20.0</u> <u>40.0</u>
Project under Four Acres	—	12.0	—	12.0	—	12.0	<u>20.0</u> <u>40.0</u>

Dimensional Standard	RU-5		RU-5(2)		RU-M		
	Min.	Max.	Min.	Max.	Min.	Max. without a Development Plan	Max. with a Development Plan (see paragraph 3.5.6)
Project Four Acres or Greater Small Lot Option							
Open Space (% of gross area) <sup>1</sup>	5	—	5	—	6	—	
Area and Width Requirements	See Sec. 7.1, Housing Types						
Height <del>(feet)</del> <sup>2</sup>	—	<del>35</del>	—	<del>35</del>	—	<del>55</del>	
<u>Stories (visual articulation)</u>	<u>—</u>	<u>3</u>	<u>—</u>	<u>3</u>	<u>—</u>	<u>5</u>	
<u>Feet</u>		<u>40</u>		<u>40</u>		<u>60</u>	

1 Please see Sec. 12.5, Recreation Lands, for additional requirements that may apply.

2 Height is, or may be, further limited when using the small lot option, the reduced pole width flag lot option, infill standards, a neighborhood protection overlay, or by a local historic district.

2. Maximum density can increase in accordance with paragraph 6.4.3, Residential Density, and/or Sec. 6.6, Affordable Housing Bonus. Other than these options, the maximum density shall not be exceeded even though the use of an alternative housing type may impose smaller lot size requirements.

3. If the project in the RU-M District is on at least a four-acre lot, the maximum height can be increased up to ~~75 feet~~ 7 stories through the issuance of a minor special use permit. In no event shall the structure be more than 80 feet in height.

#### 6.4.2 Permitted Housing Types

Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the housing types permitted in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type	RU-5	RU-5(2)	RU-M
Single-Family Detached	✓	✓	✓
Zero Lot Line House	✓	✓	✓
Traditional House	✓	✓	✓
Attached House	✓	✓	✓
Duplex	✓	✓	✓
Townhouse	✓ <sup>1,2</sup>	✓	✓
<u>Detached Rowhouse</u>	<u>✓<sup>1,2</sup></u>	<u>✓</u>	<u>✓</u>
Multiplex	✓ <sup>2</sup>	✓ <sup>2</sup>	✓
Apartment			✓

1 Cluster subdivision only, see Sec. 6.7.

2 Only pursuant to paragraph 6.4.3B, Thoroughfare Density Bonus.

### 6.4.3 Residential Density

#### B. Thoroughfare Density Bonus

1. Projects located along major or minor thoroughfares, or boulevards, with rights-of-way greater than 50 feet in width can develop as townhouses [or detached rowhouses](#), using the dimensional provisions of paragraph 7.1.7, Townhouse [or 7.1.8 Detached Rowhouse as applicable](#), so long as the average width of the townhouse [or detached rowhouse](#) lots is at least 20 feet. Projects developed utilizing this option shall meet all of the requirements of Sec. 6.8, Infill Development in Residential Districts, where applicable;
2. Projects located along major thoroughfares or boulevards, with rights-of-way greater than 50 feet in width can develop as multiplexes, using the dimensional provisions of paragraph 7.1.8, Multiplex. Projects developed utilizing this option shall meet all of the requirements of Sec. 6.8, Infill Development in Residential Districts, where applicable.

### Sec 6.5 Residential Compact (RC) Development Intensity

[Paragraphs not listed remain unchanged]

#### 6.5.1 Development Standards

##### A. Dimensional Standards

1. All residential development in the RC District shall meet the standards in the table below. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RC	
	Min.	Max.
Residential Density (units per acre)	12.0	<del>20.0</del> <a href="#">40.0</a>
Open Space (% of gross area) <sup>1</sup>	5.0	—
Site Area Lot Area	See Sec. 7.1, Housing Types	
Height <del>(feet)</del>	—	<del>75</del>
<a href="#">Stories (visual articulation)</a>		<a href="#">7</a>
<a href="#">Feet</a>		<a href="#">80</a>

<sup>1</sup> Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

2. Maximum density can be increased in accordance with paragraph 6.5.3, Residential Density, and/or Sec. 6.6, Affordable Housing Bonus.
3. Maximum height shall be limited to [the lesser of 45-4 feet-stories or 50 feet](#) if the building is within 150 feet of the perimeter of the compact neighborhood tier where the tier adjoins any property zoned and used for residential purposes. Additional height up to ~~75-feet~~ [7 stories](#) is allowed through approval of a minor special use permit per Sec. 3.9, Special Use Permit. [In no event shall the structure be more than 80 feet in height.](#)

#### 6.5.2 Permitted Housing Types

Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the housing types permitted in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type	RC
Single-Family Detached	✓
Zero Lot Line House	✓
Traditional House	✓
Attached House	✓
Duplex	✓
Townhouse	✓
<a href="#">Detached Rowhouse</a>	✓
Multiplex	✓
Apartment	✓

## Sec 6.6 Affordable Housing Bonus

[Paragraphs not listed remain unchanged]

### 6.6.2 Compact Neighborhood Tier

#### E. Height

- The maximum building height shall be as follows:

Maximum Height <del>(feet)</del>	Location
<a href="#">505 stories and 60 feet</a>	<ul style="list-style-type: none"> <li>Any portion of a building within 75 feet of a single-family residential zoning district or use in the Urban Tier; or</li> <li>Any portion of a building within 150 feet of a single-family residential zoning district or use in the Suburban Tier.</li> <li>Distance from the zoning district or use shall be measured from the zoning line or property line, as applicable.</li> </ul>
<a href="#">909 stories and 100 feet</a>	<ul style="list-style-type: none"> <li>The subject property is adjoining right-of-way at least 100 feet wide; or</li> <li>All other locations.</li> </ul>

- Base zoning district maximum height can be used if it exceeds the maximum height allowances, above.

### 6.6.3 Suburban and Urban Tiers

#### D. Height

When the affordable housing [density](#) bonus is utilized, an additional [one story or](#) 15 feet of height, [whichever is less](#), shall be allowed.

### 6.6.4 Progressing Affordably Toward Housing (PATH) Program

#### A. Applicability

- [Any residential project can utilize the Affordable P.A.T.H. Program.](#)
- [Provisions under Sections 4.6, and 6.6.2, and 6.6.3 shall not apply to projects utilizing the Affordable P.A.T.H. Program.](#)

3. Provisions under section 6.6.1.C shall not apply to projects under 20 units utilizing the Affordable P.A.T.H. Program
4. Provisions under Section 6.6.1.G shall not apply to projects utilizing the Affordable P.A.T.H. Program. Compliance and reporting shall be pursuant to the City's adopted Affordable P.A.T.H. Policies and Procedures, as amended.
5. Where conflicts may exist, 6.6.4 shall be used.

## **B. Affordability Requirement**

1. At least 25% of the total number of dwelling units in the Project
  - a. Rental units at 60% of AMI or less for a minimum 5-year term, or
  - b. For sale units at 80% AMI or less

*Example 1: If 12 dwelling units for rent are proposed, at least 3 of those units shall be affordable to households earning an average of 60% AMI or less.*

*Example 2: If 12 dwelling units for sale are proposed, at least 3 of those units shall be affordable to households earning an average of 80% AMI or less.*

## **C. Residential Density**

1. For projects that require a Site Plan, residential density may be increased as follows:
  - a. For the purpose of calculating the bonus residential density within projects utilizing the Affordable P.A.T.H. Program, the "base density" is the maximum density allowed in the zoning district prior to applying any potential bonuses, and multiplied by the gross acreage of the tract of land. The resulting number shall be rounded up to the nearest whole number.
  - b. For each Affordable P.A.T.H. Program dwelling unit that is constructed, a bonus of two additional dwelling units can be constructed beyond the base density.

*Example 3: A project has a base maximum density of 12 units, and 25% (i.e., 3 units) of the 12 maximum units qualify as Affordable P.A.T.H. Program dwelling units. Thus, an additional 6 dwelling units are allowed above the maximum 12 units, totaling 18 dwelling units.*

## **D. Height**

When the Affordable P.A.T.H. Program is utilized, one additional story shall be allowed.

## **E. Lot Dimensions**

When the Affordable P.A.T.H. Program is utilized, minimum lot area, width requirements, and setbacks, can be reduced by a maximum of 20%.

## **F. Encroachments**

When the Affordable P.A.T.H. Program is utilized, encroachments can be increased by a maximum of 20%.

## **G. Accessory Dwellings**

Accessory dwellings that meet the affordability requirements in Section 6.6.4B may count as Affordable P.A.T.H. Program dwelling units.

## **H. Subdivision Bonus**

If 100% of the units are sold affordably as stipulated by the City's adopted Affordable P.A.T.H. Policies and Procedures, and so long as the housing type and density is allowable under the UDO, the project may be subdivided to facilitate lots, relieved from all dimensional restrictions, density standards, minimum lot sizing, and yard requirements as they relate to parcels within the project. Lot lines adjacent to the right-of-way shall be street yards and all other lot lines on the perimeter of the project shall be side yards for setback purposes.

1. Subdivided Lots with Affordable P.A.T.H. Program units shall have a minimum of 10 feet of combined street frontage, but in no case shall each subdivided lot have less than 5 feet of street frontage.
2. Projects using the subdivision bonus in Section 6.6.4H may not utilize the other Affordable P.A.T.H. benefits as outlined in Sections 6.6.4C through F.

## **Sec 6.7 Cluster Subdivision**

[Paragraphs not listed remain unchanged]

### **6.7.2 Minimum Site Area**

The minimum acreage required for a cluster subdivision shall be ~~four~~two acres.

### **6.7.5 Open Space**

#### **B. Additional Open Space**

1. Reductions in lot area in exchange for equal amounts of common open space on a one-to-one basis shall be provided in addition to the open space requirements referenced in paragraph A above.
2. For duplex lots where the duplex housing type is allowed only in a cluster subdivision, the lot reduction/additional open space calculation referenced in paragraph B.1 above shall be based upon the conventional lot size of a detached single-family lot for the zoning district.
3. For the townhouse or detached rowhouse housing type, the required open space shall be at least 20% of the gross area of the development.



## 6.7.6 Perimeter Treatment

Property on the edge of cluster developments shall be developed in one or more of the following ways:

A. Set aside as open space, that includes a buffer with an opacity of 20%, as set forth in Article 9, Landscaping and Buffering. [Projects that are exempted from providing a project boundary buffer per UDO 9.4.1.H are exempt from providing the Perimeter Treatment described in UDO 6.7.6.](#)

B. ~~In the Urban Tier, if~~ an alley is provided along the perimeter with joint access provided to property not part of the subject subdivision, lots adjacent to, and accessing the alley, can be platted with cluster subdivision dimensional requirements. Vegetative screening along the side adjacent to properties not part of the subdivision shall be provided per paragraph 9.7.2C, Evergreen Hedges, unless access is provided to the individual property not part of the subject subdivision.

## Sec 6.8 Infill Development in Residential Districts

[Paragraphs not listed remain unchanged]

### 6.8.2 Yards

#### A. Street Yards

1. **Context Area** [Text remains unchanged]

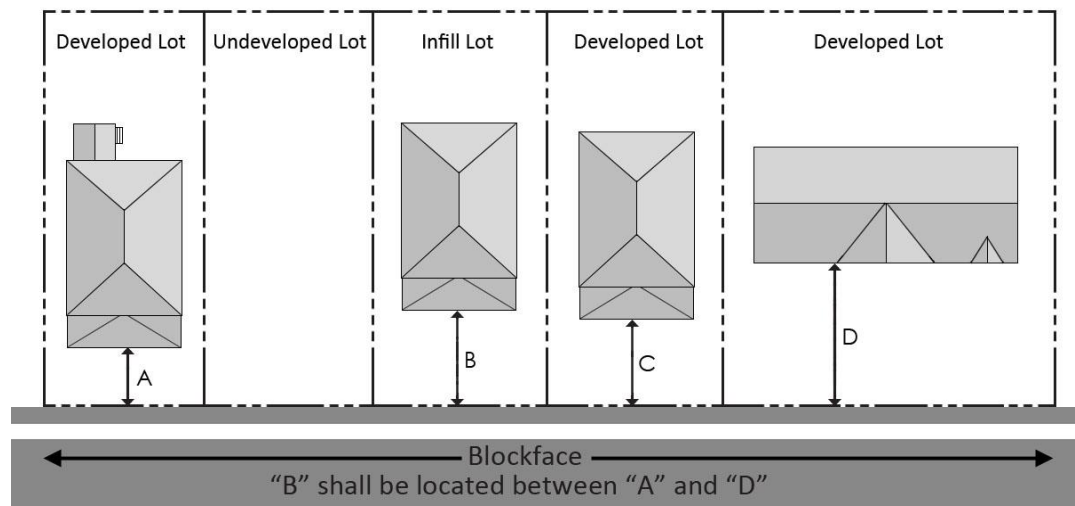
2. **Required Street Yard**

a. [At the discretion of the applicant,](#)

[\(1\) The base zoning district requirements shall apply; or](#)

[\(2\) The required street yard shall be any distance between the smallest and largest street yards within the context area. However, in no instance shall the smallest street yard be less than five feet.](#)

**Example:** The subject infill lot (B) and four other lots with residential zoning make up the block face. One lot is undeveloped prior to January 1, 2006, and thus shall not be considered. The street yards along the block face of the three other lots are 10 feet (A), 15 feet (C), and 20 feet (D). Therefore, the required street yard for the subject lot (B) can be anywhere between 10 feet (the smallest) and 20 feet (the largest).



b. If there are fewer than two lots that qualify within the context area, the street yard requirement shall be that of the base zoning district. ~~then at the discretion of the applicant:~~

~~(1) the subject infill lot shall use the The base zoning district requirements shall apply, or~~

~~(2) A street yard measuring between the smallest and largest street yard of the opposing block face can be used.~~

c. ~~For corner lots, each street yard shall be determined separately.~~

For corner lots, one of the two street yards may be developed using side yard standards.

d. For detached duplexes using infill standards, only one building must have a street yard less than or equal to the largest street yard within the context area.

~~If there are fewer than two lots that qualify within the context area, then the subject infill lot shall use the base zoning district requirements.~~

3. Alleys shall not be considered to create a new block. Parcels on the opposite side of an alley shall be considered along the same block face.

### **6.8.3 Buildings**

#### **~~A. Building Width~~**

~~New construction shall not exceed the average building width for existing residential structures in the context area established in paragraph 6.8.2A.1, Context Area, by more than 25%, unless a building articulation of at least six feet in depth at a point that mimics the average building width in the context area is provided.~~

#### **~~B. Building Height~~**

~~The maximum height of a primary structure shall not exceed the height of the lesser of either of the following:~~

~~1. The maximum height permitted by the zoning district; or~~

~~2. More than 14 feet taller than the shortest height of primary structures on adjacent lots along the block face.~~

~~a. If there is not a primary structure on an adjacent lot, the next lot along the block face shall be used.~~

~~b. If the next lot also lacks a primary structure, then the height of the vacant adjacent lot shall be the maximum allowed by the zoning district.~~

#### **~~C. Main Entrance~~**

~~Except for single-family and two-family residential structures, every principal structure shall have a main entrance on a street other than an alley. On corner lots, the main entrance can face either street or can be oriented toward the corner. For buildings that have more than one main entrance, only one main entrance shall be required to face a street.~~

#### **~~D. Garages and Access~~**

~~1. Where a lot abuts a publicly improved and maintained alley, all vehicular access shall be taken from the alley.~~

~~2. When a garage entrance faces a street other than an alley, a single garage entrance shall be no more than 22 feet in width.~~

~~3. The construction material of the garage shall match that of the primary structure. This shall not apply if the primary structure is a single-family or two-family structure.~~

#### **~~E. Downspouts~~**

~~For sites in the Urban Tier where no other stormwater controls are required, downspouts shall direct stormwater runoff over pervious area and not piped to right-of-way.~~

### **~~6.8.3~~ 6.8.4 Vehicular Use Areas**

1. For the purposes of this section, a vehicular use area includes all surface area designated or utilized for vehicle parking or vehicle access.

2. For lots greater than 20,000 SF, vehicular use area shall not exceed 25% of the lot.

#### **~~A. Residential~~**

~~1. No on-site parking is required if placement of a single-family or two-family primary structure, based upon the required street yard, conflicts with the minimum dimensional standards for on-site parking. This parking exemption shall apply to lots measuring 40 feet in width or less.~~

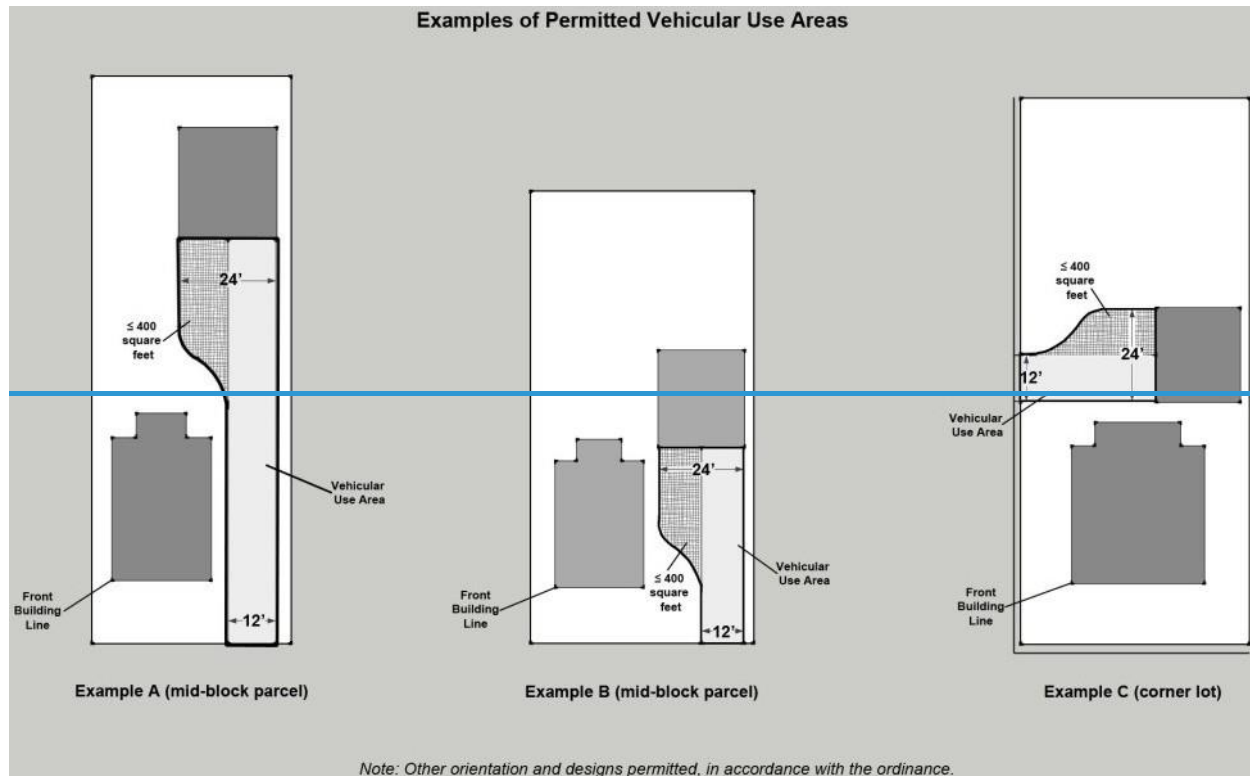
~~2. A vehicular use area includes all surface area designated or utilized for vehicle parking or vehicle access.~~

~~3. The maximum width of the vehicular use area shall be 12 feet; however, the vehicular use area can expand up to 24 feet in width to accommodate garage access or parking. The total additional vehicular use area beyond 12 feet in width shall:~~

~~a. Be behind the front building line;~~

~~b. Be at least 20 feet from the front property line; and~~

~~c. Not exceed 400 square feet.~~



## B. Nonresidential

1. On-site parking facilities shall not be located in any required street yard.
2. If parking facilities are located to the rear of the subject structure, a rear entrance to the structure shall be provided.

## Sec 6.10 Nonresidential and Group Living Development Intensity

[Paragraphs not listed remain unchanged]

### 6.10.1 Nonresidential and Group Living Development Standards

#### C. Urban Tier

All nonresidential and group living development in the Urban Tier, as designated in the *Comprehensive Plan*, shall comply with the standards in the tables below.

#### 1. Standards for the CI District

Dimensional Standard	CI	
	Min.	Max.
Lot Area	—	20,000
Street Yard <del>from Back of Curb</del> (feet)	<del>50</del>	15
Side Yard (feet)	—	10
Rear Yard (feet)	10	—
Height (feet)	—	<del>35</del> 40

- a. Buildings greater than 20,000 square feet are allowed in the CI District if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- b. Additional height in the CI District, up to 50 feet, is allowed if the building uses upper story step-backs at a ratio of one to one.
- c. Minimum ground floor glazing for building façades facing street frontages shall be 60% for all nonresidential uses and 50% for residential uses.
- d. ~~Where the right-of-way line is further from the curb than the maximum street yard, the right-of-way line shall be the required maximum street yard; Buildings must be at least 5 feet from the back of curb;~~ structures shall not be allowed in the public right-of-way.
- e. Height may be calculated using the standards for residential uses as described in Section 6.12.1.A.
- f. Rear yard may be reduced to 0 feet on parcels that are not adjacent to residential districts or any single or two-family residential use.

## 2. Standards for the CN, OI, and CG Districts

Dimensional Standard	CN		OI		CG	
	Min.	Max.	Min.	Max.	Min.	Max.
Lot Area (square feet)	5,000	—	20,000	—	20,000	—
Project Floor Area (square feet)	—	20,000	—	—	—	—
Lot Width (feet)	50	—	50	—	100	—
Street Yard (feet)	—	15	—	15	—	15
Side Yard (feet)	10	—	10	—	15	—
Rear Yard (feet)	25	—	25	—	25	—
Building Coverage (%) <sup>1</sup>	—	60	—	60	—	60
Height (feet)	—	35	—	90	—	55

<sup>1</sup> Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- a. A primary structure shall be oriented such that at least one of the following standards is met:
  - (1) The longest building façade is parallel to and within the maximum street yard; or
  - (2) The street-facing building façade occupies at least 60% of the total street frontage for the development.
- b. Rear yards can be reduced by up to 50% if adjacent to a railroad right-of-way.
- c. Additional height in the OI and CG Districts, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- d. A development within the CN District with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting

pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

e. Lots 20,000 square feet or smaller in the CN, OI, and CG Districts may use the dimensional standards for the CI District as outlined in Sec. 6.10.1.C.1 and may be exempt from site plan review if requirements in Sec. 3.7.2 are met. In cases where CI dimensional standards are used, the provisions in Section 6.3.3D do not apply.

### 3. Standards for the IL and I Districts

Dimensional Standard	IL		I	
	Min.	Max.	Min.	Max.
Lot Area (square feet)	5,000	—	25,000	—
Lot Width (feet)	50	—	100 —	—
Street Yard (feet)	—	20	40	—
Side Yard (feet)	15	—	40	—
Rear Yard (feet)	25	—	40	—
Building Coverage (%) <sup>1</sup>	—	60	—	65
Height (feet)	—	50	—	90

<sup>1</sup> Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

a. In the IL District, a primary structure shall be oriented such that at least one of the following standards is met:

- (1) The longest building façade is parallel to and within the maximum street yard; or
- (2) The street-facing building façade occupies at least 60% of the total street frontage for the development.

b. Rear yards can be reduced by up to 50% if adjacent to a railroad right-of-way.

c. Additional height, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

d. Lots 20,000 square feet or smaller in the IL District may use the dimensional standards for the CI District as outlined in Sec 6.10.1.C.1 and may be exempt from site plan review if requirements in Sec. 3.7.2 are met. In cases where CI dimensional standards are used, the provisions in Section 6.3.3D do not apply.

### D. Compact Neighborhood Tier

All nonresidential and group living development in the Compact Neighborhood Tier, as designated in the *Comprehensive Plan*, except development within CD districts, shall comply with the standards in the tables below.

#### 1. Standards for the CI District

Dimensional Standard	CI	
	Min.	Max.
Lot Area	—	20,000

Dimensional Standard	CI	
	Min.	Max.
Street Yard <del>from Back of Curb</del> (feet)	<u>50</u>	15
Side Yard (feet)	—	10
Rear Yard (feet)	10	—
Height (feet)	—	<u>3540</u>

- a. Buildings greater than 20,000 square feet are allowed in the CI District if approved through a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- b. Additional height in the CI District, up to 50 feet, is allowed if the building uses upper story step-backs at a ratio of one-to-one.
- c. Minimum ground floor glazing for building façades facing street frontages shall be 60% for all nonresidential uses and 50% for residential uses.
- d. ~~Where the right-of-way line is further from the curb than the maximum street yard, the right-of-way line shall be the required maximum street yard.~~ Buildings must be at least 5 feet from the back of curb; structures shall not be allowed in the public right-of-way.
- e. Height may be calculated using the standards for residential uses as described in Section 6.12.1.A.
- f. Rear yard may be reduced to 0 feet on parcels that are not adjacent to residential districts or any single or two-family residential use.

## 2. Standards for the CN and OI Districts

Dimensional Standard	CN		OI	
	Min.	Max.	Min.	Max.
Project Floor Area (square feet)	—	20,000	—	—
Lot Width (feet)	50	—	50	—
Street Yard (feet)	—	15	—	15
Side Yard (feet)	10	—	10	—
Rear Yard (feet)	15	—	15	—
Height (feet)	—	35	—	120

- a. A primary structure shall be oriented such that at least one of the following standards is met:
  - (1) The longest building façade is parallel to and within the maximum street yard; or
  - (2) The street-facing building façade occupies at least 60% of the total street frontage for the development.
- b. Additional height in the OI District, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- c. Height in the OI District shall be capped at 45 feet for any structures located within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins residentially used and designated property.

d. A development within the CN District with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a minor special use permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

[e. Lots 20,000 square feet or smaller in the CN and OI Districts may use the dimensional standards for the CI District as outlined in Sec 6.10.1.C.1 and may be exempt from site plan review if requirements in Sec. 3.7.2 are met. In cases where CI dimensional standards are used, the provisions in Section 6.3.3D do not apply.](#)

### 3. Standards for the CG and IL Districts

Dimensional Standard	CG		IL	
	Min.	Max.	Min.	Max.
Lot Width (feet)	50	—	50	
Street Yard (feet)	—	15	—	15
Side Yard (feet)	10	—	15	—
Rear Yard (feet)	15	—	15	—
Height (feet)	—	90	—	50

a. A primary structure shall be oriented such that at least one of the following standards is met:

- (1) The longest building façade is parallel to and within the maximum street yard; or
- (2) The street-facing building façade occupies at least 60% of the total street frontage for the development.

b. Additional height in the CG District, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

c. Height shall be capped at 45 feet for any structures located within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins residentially used and designated property.

d. Subject to the restriction in paragraph 6.10.1D.3.c above, OI uses allowed in IL districts located in the Compact Neighborhood Tier shall have a maximum height limit of 60 feet permitted by right. Additional height up to 75 feet is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

e. Subject to the restriction in paragraph 6.10.1D.3.c above, and notwithstanding paragraph 6.10.1D.3.d above, hotel, motel, and extended stay uses; places of worship; government facilities (excluding correctional facilities) and lodges and clubs allowed in IL districts located in the Compact Neighborhood Tier shall have a maximum height limit of 80 feet permitted by right. Additional height up to 95 feet is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

[f. Lots 20,000 square feet or smaller in the CG and IL Districts may use the dimensional standards for the CI District as outlined in Sec 6.10.1.C.1 and may be exempt from site plan](#)



[review if requirements in Sec. 3.7.2 are met. In cases where CI dimensional standards are used, the provisions in Section 6.3.3D do not apply.](#)

## 6.10.2 Residential Development in Nonresidential Districts

### A. Permitted Housing Types and Other Residential Development

- The following residential development shall be allowed as indicated with a “✓”.

Zoning District	Residential Development Allowed					
	Single-Family Detached House/Duplex (paragraphs 7.1.2 and 7.1.6)	Townhouse (paragraph 7.1.7)	<a href="#">Detached Rowhouse (paragraph 7.1.8)</a>	Multiplex (paragraph 7.1.89)	Apartment (paragraph 7.1.910)	Upper Story Residential
CI, CG, <a href="#">CN, IL<sup>1</sup></a> , OI	<a href="#">✓—</a>	✓	<a href="#">✓</a>	✓	✓	✓
<a href="#">CN</a>	<a href="#">✓</a>	<a href="#">✓</a>		<a href="#">✓</a>	<a href="#">✓</a>	<a href="#">✓</a>
(County Only) SRP-C	—	✓	<a href="#">✓</a>	✓	✓	✓

[1. Residential development is only allowed in the IL district on lots 20,000 square feet or less.](#)

- For a single-family detached house and duplex, the following zoning district development standards pursuant to paragraph 6.2.1, Development Standards, or paragraphs 7.1.2B and 7.1.6B, Development Standards, as applicable, shall apply:

Tier of the Development Site	Applicable Zoning District Development Standard
Rural	RR (watershed and non-watershed, as applicable)
Suburban	RS-M
Urban	RU-M
Compact Neighborhood	RC

- For all other residential development, the development standards applicable to [the housing type, or the base zoning district for upper story residential, or the CI district under the provisions in Section 6.10.1](#) shall apply.

#### 4. Height for Housing Types

- The maximum height for the housing type shall be as follows:

Tier of the Development Site	Maximum Height <a href="#">in feet</a>	
	Single-Family Detached House/Duplex	All other Allowed Housing Types
Rural and Suburban	<a href="#">353 stories and 40 feet</a>	Height as allowed for the RS-M District per paragraph 6.3.1A, Dimensional Standards
Urban	<a href="#">353 stories and 40 feet</a>	Height as allowed for the RU-M District per paragraph 6.4.1A, Dimensional Standards
Compact Neighborhood	<a href="#">353 stories and 40 feet</a>	Height as allowed for the RC District per paragraph 6.5.1A, Dimensional Standards

b. For Single-family detached house, additional height is allowed at a rate of one ~~foot-story~~ per ~~one foot ten feet~~ of additional setback provided, with a maximum height of ~~45-50~~ feet.

5. Street level residential development shall not be allowed in the CI District, except for townhomes.

6. (County Only) The development standards for the SRP-C District shall apply to all residential development.

## B. Residential Density

1. The residential density shall be based only on that portion of the tract dedicated to the residential use and the ~~minimum and~~ maximum residential ~~density-densities~~ (shown as units per acre) allowed shall be as shown in the table below:

District	Rural		Suburban		Urban		Compact	
	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>
CI	<u>5</u>	—	<u>8</u>	—	<u>8</u>	<u>—14<sup>1,2</sup></u>	<u>8</u>	<u>—14<sup>1,2</sup></u>
CN	<u>—</u>	0.2	<u>8</u>	8 <sup>1,23</sup>	<u>8</u>	<u>—11<sup>1,2</sup></u>	<u>8</u>	<u>—14<sup>1,2</sup></u>
OI	<u>—</u>	—	<u>8</u>	11 <sup>1,23</sup>	<u>8</u>	<u>—14<sup>1,2</sup></u>	<u>8</u>	<u>—18<sup>1,2</sup></u>
CG	<u>—</u>	0.2	<u>8</u>	11 <sup>1,23</sup>	<u>8</u>	<u>—14<sup>1,2</sup></u>	<u>8</u>	<u>—18<sup>1,2</sup></u>
(County Only) SRP-C	<u>—</u>	—	<u>—</u>	20 <sup>34</sup>	<u>—</u>	—	<u>—</u>	—

1 Density can be increased through use of the Sec. 6.6, Affordable Housing Bonus.

~~2 Density can be increased through use of the options available under paragraph 6.4.3, Residential Density.~~

~~23~~ For multifamily development, density can be increased through use of paragraph 6.3.3B, RS-M District Major Roadway Density Bonus.

~~34~~ Density in the SRP-C District can be calculated based upon the gross area of the contiguous district, including areas typically precluded from consideration for density in Article 8, Environmental Protection.

2. Density ~~limits-minimums and maximums~~ shall not apply to upper story residential units ~~in-~~ ~~the~~utilizing CI District ~~dimensional standards or projects that have at least 10,000 heated nonresidential square footage.~~

~~3. For residential development in nonresidential districts, the provisions in Section 6.3.3D do not apply.~~

## Sec 6.11 Planned Districts

[Paragraphs not listed remain unchanged]

### 6.11.3 Planned Development Residential (PDR)

#### A. Uses

1. The primary use allowed within the PDR District shall be residences, including manufactured homes.

2. Manufactured homes shall be permitted only where they have been expressly indicated on the approved development plan. Manufactured house subdivisions and parks shall be designated as such on the development plan and show lot layouts and the orientation of the house to the street in the development plans.

3. Nonresidential uses allowed in the PDR District shall be limited to those uses listed in the Sec. 5.1, Use Table. Nonresidential uses can be approved subject to the use limitations established in Sec. 5.3, Limited Use Standards, and the following conditions.

a. ~~Except for Public and Civic uses pursuant to Sec. 5.1, Use Table, the development shall provide for at least 100 dwelling units.~~ When both nonresidential and residential uses are proposed,

~~(1) The the~~ dwelling units can be separate structures from the nonresidential uses or located in the same structure as the nonresidential uses.

~~(2) To assure that commercial and office uses are supportive of the PDR project, Certificates of Compliance shall be issued for at least 25% of the residential units before Certificates of Compliance are issued for the commercial or office uses. This requirement shall not apply when residences are located in the same building as the commercial or office uses.~~

b. Nonresidential acreage shall ~~not~~ be included in any calculations of residential density.

c. The building ~~heights~~, location~~(s)~~, ~~orientation, and building-to-building spacing~~, shall be specified in the development plan.

d. Nonresidential uses shall be located with street access deemed adequate by the City Transportation Department.

e. Nonresidential square footage shall promote a range of services for residents. For projects with at least 100 dwelling units, one lot, minimum 5,000 square feet, shall be reserved for civic or commercial uses. For projects with at least 300 dwelling units, one lot, minimum 10,000 square feet, or two lots, minimum of 5,000 square feet each, shall be reserved for civic or commercial uses. Such uses shall be in addition to open space requirements and residential amenities. ~~Except for Public and Civic uses pursuant to Sec. 5.1, Use Table, the nonresidential component within a PDR shall not exceed 50,000 square feet and shall be devoted to more than one business.~~

## B. Dimensional Requirements [Text remains unchanged]

### C. Intensity

#### 1. Residential Density

The specific maximum density in units per acre, other than the areas proposed for nonresidential development and areas precluded from consideration for density in paragraphs 8.4.4, Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas; and 8.8.5, Density Credits, shall be included in the application. The allowable density shall be consistent with the land use designation shown in the *Comprehensive Plan*.

#### 2. Nonresidential Intensity

The maximum nonresidential intensity shall reflect the ~~CN and/or OI CI~~ intensity, as appropriate, consistent with Sec. 6.10, Nonresidential District Development Intensity, for the tier in which the project is located.

#### 3. Height

Maximum building height shall be the lesser of 9 stories or 90-100 feet. Any building over 35-40 feet shall be identified on the development plan submitted for approval.

**D. Building Orientation****~~1. Single Family Detached~~**

~~The building envelope for each lot shall be shown on the recorded plat.~~

**~~2. Building Separation~~**

~~a. Unless alternative building separation standards are established in Article 7, Design Standards, the minimum building separation shall be as follows:~~

Height of Taller Building	Distance Between Vertical Projections
Under 35 feet	10 feet
35.1 to 40.0 feet	20 feet
40.1 to 50.0 feet	40 feet
50.1 to 85.0 feet	59 feet
85.1 to 90.0 feet	66 feet

~~To determine the separation required, the vertical projections for each building shall be drawn from that point on each building that is horizontally closest to the other building.~~

~~Ba.~~ Manufactured homes in parks shall maintain a distance of at least 16 feet between other manufactured homes. Added on rooms, porches, and other structures attached to the manufactured home shall be considered part of the manufactured home.

~~Cb.~~ The governing body can reduce or increase separations after consideration of the general bulk and scale in comparison with nearby development. Such modification shall only occur in conjunction with the approval of the development plan.

**~~3. Building Articulation~~**

~~In order to provide diversity and to avoid long rows of attached dwellings, no more than four contiguous townhouse units shall be allowed with the same setback. Variations in setback must be at least three feet.~~

**E. Yards****~~1. Street Yards~~**

~~No building shall be erected, reconstructed, altered or moved nearer to the property line along the street on which such building faces than is indicated in the following table.~~

1. Front, side, and rear yards must be defined by the Development Plan. No minimum yards shall be required for primary or accessory buildings, except as defined by the Development Plan. Previously approved Development Plans without defined yards, shall have the following minimum street yard requirements:

Residential Density	Minimum Street Yard
1.0 to 8.0 units per acre	8 feet
More than 8.0 units per acre	15 feet

**~~2. Side and Rear Yards~~****~~a. Residential Uses~~**

~~No minimum side or rear yards shall be required although building separations established above shall be maintained.~~

**~~b. Nonresidential Uses~~**

~~When a retail or office component of the PDR shares a common boundary with a residential component of the PDR, side and rear yards of at least 30 feet shall be provided between the nonresidential and residential areas. This requirement shall not apply if the residential uses are within the same building as the retail or office uses.~~

~~Interpretation:—PUD/PDR site plans approved prior to 1994 continue to use the property line setbacks for PUD/PDRs approved prior to the effective date of the Merged Durham Zoning Ordinance (1/1/94). These setbacks are called out either dimensionally on the site plans or in a special conditions box.~~

**F. Open Space** [Text remains unchanged]

**G. Landscaping** [Text remains unchanged]

**H. Parking**

At least 30% of the parking spaces ~~required~~ for nonresidential uses shall be located to the side or rear of nonresidential structures within any PDR.

**I. Sidewalks** [Text remains unchanged]

**6.11.7 Mixed Use (MU)**

**J. Parking**

**1. Residential**

**a. Single-Family Detached, Zero Lot Line, Townhouse**

Parking shall be provided at ~~a minimum rate of one parking space per dwelling unit and~~ a maximum rate of 2.1 spaces per dwelling unit.

**b. Multifamily**

Multifamily parking shall not exceed an amount equivalent to 2.1 spaces per dwelling unit.

**2. Nonresidential**

a. Based upon the parking rates in paragraph 10.3.1A.4, Parking Rate Table, the amount of motor vehicle parking shall be required as follow:

<del>Minimum</del>	<del>80% of the parking rate</del>
Maximum	100% of the parking rate. An additional 25% is allowed as long as the additional parking spaces are located within structured parking (above ground or underground)

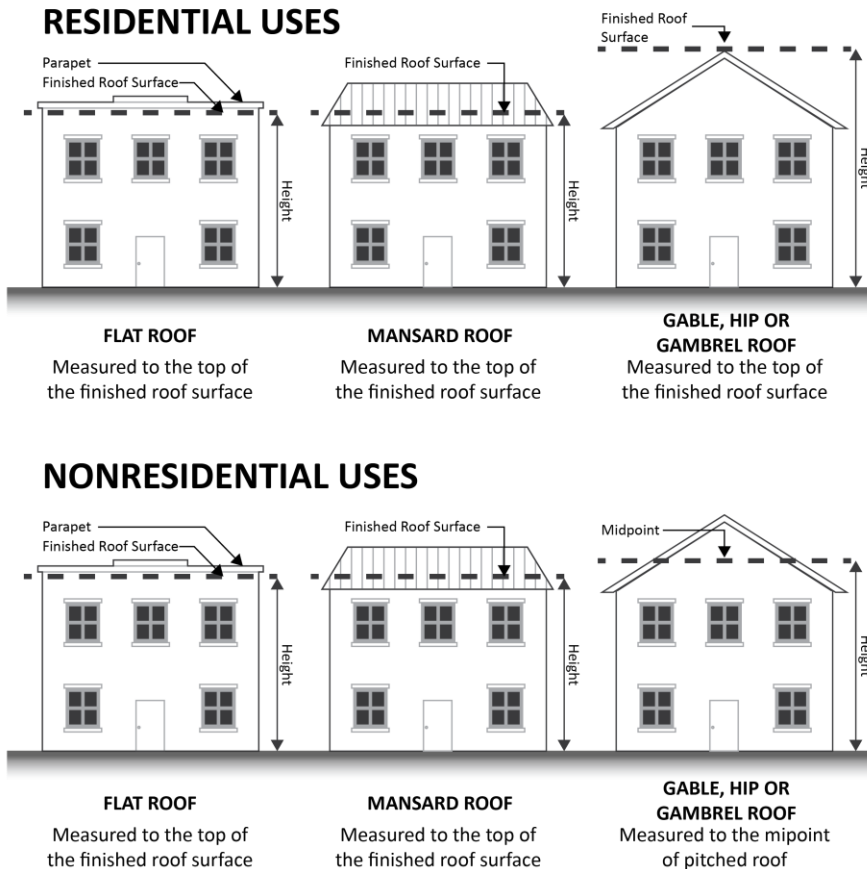
**Sec 6.12 Measurement and Computation**

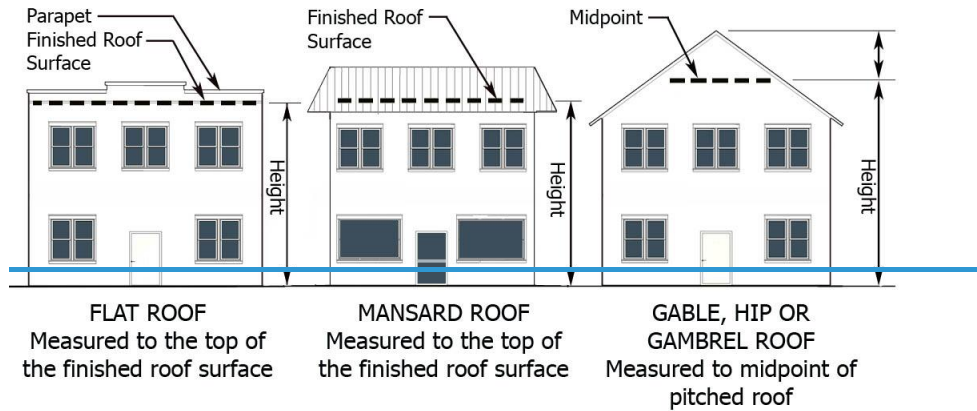
[Paragraphs not listed remain unchanged]

**6.12.1 Height**

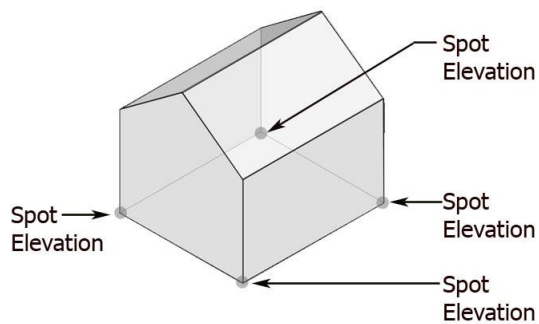
A. Height maximums for residential uses shall be calculated by the vertical distance from finished ground level of one corner of the structure, at the applicant's discretion, to the highest finished surface.

Height [for nonresidential uses](#) shall be calculated by the vertical distance from the average of the finished ground level to the finished roof surface of a flat roof or the point at the average height of a roof having a pitch; except for mansard roofs, which shall be measured to the highest finished surface. For buildings with more than one façade along the street, each building façade shall be measured independently. Height for any building with multiple roof levels shall be determined by the highest roof level.

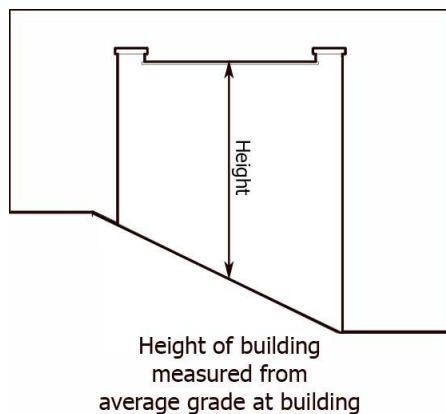




1. The average finished ground level shall be calculated by averaging the spot elevations for all building corners on a single structure. Multiple, unattached structures on the same site shall have independently calculated average grade for the purposes of measuring the height of each individual structure.



Average of spot elevations at all building corners determine average grade for each building.



2. Except in Design Districts, height for any building with multiple roof levels shall be determined by the highest roof level.
3. In Design Districts for buildings where multiple height standards apply, see Sec. 16.3, Building Design.

B. The height limitations shall not apply to steeples, decorative features including parapet walls less than four feet tall, [roof access structures, towers less than 250 square feet](#), air conditioning units, utility poles, mechanical features (including those for solar energy systems), penthouses for mechanical equipment or stairways, belfries, lightning rods, antennas other than those regulated in Article 5, Use Regulations, water towers, clock towers, or any other tower which is not used for transmitting and receiving electronic signals or is not a corner tower element regulated within Sec. 16.3, Building Design.

#### **6.12.2 Width** [Text remains unchanged]

#### **6.12.3 Required Yards**

##### **A. General Standards for Required Yards**

4. For lots that have multiple property lines that are to the side and rear of a lot, only one lot line, [determined by the applicant](#), shall be considered a rear property line for determining the rear yard, and all others shall be considered side lot lines.
5. For corner lots, there shall be only one rear yard, [determined by the applicant](#), and the other yards shall be side or street yards as applicable.

##### **B. Encroachments into Required Yards**

Unless otherwise regulated within this Ordinance, the following encroachment standards shall apply:

*Commentary: Easements, other ordinances, or other legally established restrictions may limit encroachments otherwise allowed by this Ordinance.*

1. Chimneys, pre-fabricated chimneys, flues, or smokestacks can extend into yard spaces but shall not occupy more than 30 square feet of the required yard space.
2. Fire escapes can project up to eight feet into any required yard. Fire escapes in the DD District are permitted to extend beyond the property line.
3. Cornices, eaves, ornamental features, ~~and~~ awnings, [and nonenclosed covered stoops up to 50 square feet](#) can extend up to five feet into any required yard, but shall remain at least two feet from the property line [in side and rear yards](#), except on zero lot line homes.
4. Marquee signs can extend into yard spaces in conformance with standards found in the Sec. 11.6, Signs Requiring Permits.
5. Pedestrian bridges, breezeways, and supports of these structures can extend into required yards for transit access.
6. Security gates and guard stations can be located within any required yard.
7. Decks, uncovered terraces, and at-grade patios can extend up to four feet into any required side yard, or up to eight feet into any required street yard, or within four feet of a rear property line.



Nonenclosed covered decks or porches can extend ~~six-eight~~ feet into required street and rear yards; however, a minimum setback shall be maintained, which shall be the smaller setback of:

(a) five feet from the property line shall be maintained.

(b) required street yard.

8. Surface parking and associated lighting, uncovered steps, and handicapped access ramps can be located within any yard.

9. Except in Design Districts, bay windows, entrances, balconies, and similar features ~~that are less than 10 feet wide~~ can extend up to ~~one and one-half~~<sup>three</sup> feet into any required yard, but shall remain at least three feet from the property line when encroaching into the required yard.

10. In Design Districts, refer to Sec.16.2 and Sec. 16.3 for balconies and bay windows.

11. Mechanical equipment for residential uses, such as HVAC units and equipment for a solar energy system, can extend into any required side or rear yard but shall remain at least ~~three-~~<sup>one foot</sup> feet from the property line.

12. Trellises and pergolas can be located within any required yard.

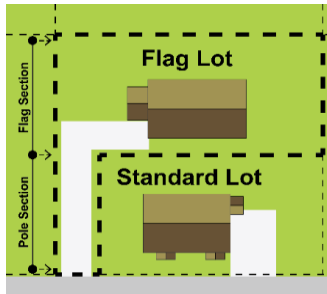
13. Fences and walls pursuant to Sec. 9.9, Fences and Walls, can be located within any required yard.

14. Cabinets, such as “little libraries” or “blessing boxes,” can be located within any required yard.

a. A maximum of one is allowed in any street yard.

b. The maximum size of the cabinet shall be 21 cubic feet.

#### 6.12.5 Flag Lots



#### A. Dimensions

##### 1. Standard Flag Lot

The extension, or “pole,” for flag lots shall be a minimum of 20 feet in width.

##### 2. Reduced Pole Width Option

In the Urban Tier and lots with RU zoning or RS-M zoning in the Suburban Tier, the extension, or “pole,” for flag lots can be a minimum of 12 feet in width. The following shall also apply:

~~a. Only one flag lot with a pole less than 20 feet shall be subdivided from a parent parcel.~~

~~b. Only ribbon driveways shall be allowed if vehicular access is not taken from an alley. Standards for such driveways shall be pursuant to paragraph 7.1.2C.4.a, Driveway Design.~~

**ea. Structure Size and Height Limit**

The primary structure on a flag lot with a pole less than 20 feet shall have a maximum height of the lesser of 2 stories or 25-32 feet and maximum size of 1,200 square feet.

- (1) A plat shall be recorded to specify the house size limitations.
- (2) Primary structures existing prior to February 25, 2019, shall not be limited to these standards and may be improved in accordance to the applicable single-family detached housing type standards and other applicable standards.
- (3) A vacant flag lot with a pole of less than 20 feet recorded prior to the effective date of these standards may be developed as a standard flag lot.

**db. Remaining Standard Lot**

The minimum lot width of the remaining standard lot created from the parent parcel shall be 35 feet.

**c. Sustainable Requirement**

Small Lots and Reduced Pole Flag Lots must include one approved sustainable feature including, ribbon driveway, grid-connected solar photovoltaic array<sup>1</sup>, solar hot water heating for domestic hot water<sup>2</sup>, spray foam insulation, Green Building Certification, use of WaterSense products<sup>3</sup>, no on-site parking, downspouts not piped to the right-of-way, or projects utilizing any part of the Affordable Housing Bonus as outlined in Section 6.6.

1. An on-site system that is estimated by the installer to produce at least 25% of the home's energy needs.
2. Energy Star certified water heating system designated as Solar with Electric Backup or Solar with Gas Backup.
3. To satisfy this requirement all toilets, bathroom faucets, and showerheads must meet the EPA criteria for WaterSense.

**B. Setbacks**

All perimeter lot lines shall be side yards for setback purposes. On any Reduced Pole Flag Lot, there is no street or rear yard. There are four side yards. On any conforming Flag Lot there are three side yards and one rear yard that can either be the yard furthest from the street or the yard furthest from the pole of the flag lot, at the applicant's discretion.<sup>1</sup> The front setback on any flag lot shall be the equivalent side yard setback established in Sec. 7.1, Housing Types, for the particular housing type proposed for use on the lot.

2. For lots with rear access from an alley or equivalent driveway, the rear yard shall be the equivalent side yard established in Sec. 7.1, Housing Types, for the particular housing type proposed for use on the lot.

3. Flag lots shall not be held to street yard requirements pursuant to Sec. 6.8, Infill Development in Residential Districts.

**C. Access** [Text remains unchanged]

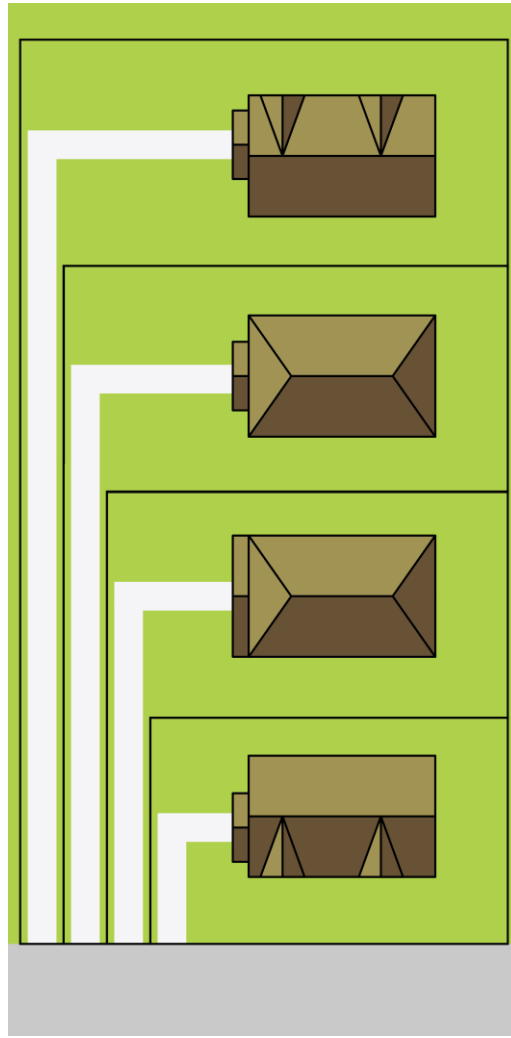
**D. Driveways**

Driveways shall may be shared with a recorded shared access agreement for multiple flag lots, and for the new flag lot and remaining standard lot if the driveway for the standard lot is new or to be relocated. Recorded shared access agreements are required for shared driveways.

**E. Utilities**

A flag pole of 5 feet is permitted for utilities. This shall not supersede any applicable requirements outlined in the Reference Guide for Development.

### 6.12.6 Multiple Flags



A maximum of five single family or duplex lots are permitted to subdivide off of an existing lot of record. In no case shall each subdivided lot have less than 5 feet of street frontage. If all flag lots utilize the Reduced Pole Width Option in 6.12.5A.2, the combined width of all poles must be at least 12 feet in width. If any flag lot is a Standard Flag Lot as outlined in 6.12.5A.1, the combined width of all poles must be at least 20 feet in width. A shared driveway may be used as the sole access to all such lots.

## PART 5

[Amendments to Article 7, Design Standards]

### Sec 7.1 Housing Types

[Paragraphs not listed remain unchanged]

#### 7.1.1 General

##### C. Structures Built Before 1950

1. A lot containing a structure built before 1950 may be subdivided using the small lot option, regardless of whether the existing structure meets the small lot dimensional standards.

2. Any single-family or duplex structure built before 1950 may be moved to any legal lot of record and used as a primary dwelling or accessory dwelling, regardless of dimensional requirements through the issuance of a Minor Special Use Permit.
3. A residential structure built before 1950 may be moved on its existing lot to be used as a primary dwelling or accessory dwelling and be exempted from meeting dimensional standards through the issuance of a Minor Special Use Permit.

### 7.1.2 Single-Family Detached House

#### B. Development Standards

A single-family detached house shall be permitted in accordance with the table below. A single-family detached house shall also be permitted in the RR District in accordance with the standards of paragraph 6.2.1A, Dimensional Standards.

Single-Family Detached Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
<b>Conventional Subdivision</b>							
<b>Lot Dimensions</b> (min. square feet)							
Lot Area (w/o averaging)	20,000	10,000	8,000	5,000	5,000	3,500	5,000
Lot Area (with averaging) <sup>1</sup>	17,000	8,500	6,800	4,250	4,250	2,975	4,250
Lot Width (feet)	100	75	60	35	45	35	35
<b>Yards</b> (min. feet) <sup>2</sup>							
Street Yard (adjoining collector or greater street)	35	25	25	25	<del>20</del> 15	<del>15</del> 10	10
Street Yard (adjoining local street)	35	25	25	20	<del>20</del> 10	<del>15</del> 10	10
Side Yard (single)	12	10	9	<del>6</del> 5	<del>6</del> 5	<del>6</del> 5	<del>6</del> 5
Side Yard (total) (no side yard total in Urban Tier)	30	24	22	15	—	—	—
Rear Yard	25	25	25	25	25	25	25
<b>Cluster Subdivision</b>							
<b>Lot Dimensions</b> (min.)							
Lot Area (square feet)	10,000	5,000	4,000	—	3,500	—	—
Lot Width (feet)	75	40	40	—	40	—	—
<b>Yards</b> (min. feet)							
Street Yard	<del>25</del> 05	<del>20</del> 05	<del>20</del> 05	—	<del>15</del> 05	—	—
Side Yard (single)	9	6	6	—	5	—	—
Side Yard (total) (no side yard total in Urban Tier)	22	13	13	—	—	—	—
Rear Yard	25	25	25	—	25	—	—

1 Lot area with averaging may only be used if the requirements of paragraph 6.3.3C, Lot Averaging, 6.4.3C, Lot Averaging, or 6.5.3B, Lot Averaging, as appropriate, are met.

2 Yard modifications may be required pursuant to a Neighborhood Protection Overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

### C. Small Lot Option

Additional standards, or modifications to the standards, below, may be required pursuant to a Neighborhood Protection Overlay, local historic district, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

#### 1. Applicability

a. The small lot option can be applied in the following zoning districts:

a. (1) In any tier: RC, RS-M, RU-M, RU-5, and RU-5(2) zoning districts.

b. (2) In the Urban Tier: ~~all zoning districts.~~ RS-8 and RS-10 zoning districts.

b. The small lot option can be applied to any Lot of Record in an applicable zoning district, regardless of lot dimensions.

#### 2. Dimensional Standards

Lot Dimensions	
Minimum Lot Area	2,000 square feet
Minimum Lot Width	25 feet
Yards	
Minimum Street Yard	10 feet
Minimum Individual Side Yard	5 feet
Minimum Rear Yard	15 feet
Maximum Height	<u>The lesser of 2 stories or 25-32 feet</u>

#### 3. Maximum Size of Primary Structure

a. The maximum above grade heated square footage of the primary dwelling(s), shall be 1200 square feet, with a maximum building footprint of 800 square feet.

b. A structure on a Reduced Pole Flag Lot or Small Lot has a maximum height of 2 stories or 32 feet. Exemptions in Section 6.12.1.B shall apply.

~~The maximum floor area of the primary structure shall be 1,200 square feet, with a maximum building footprint of 800 square feet. For the purpose of this paragraph, the floor area shall include garages.~~

#### 4. Additional Requirements

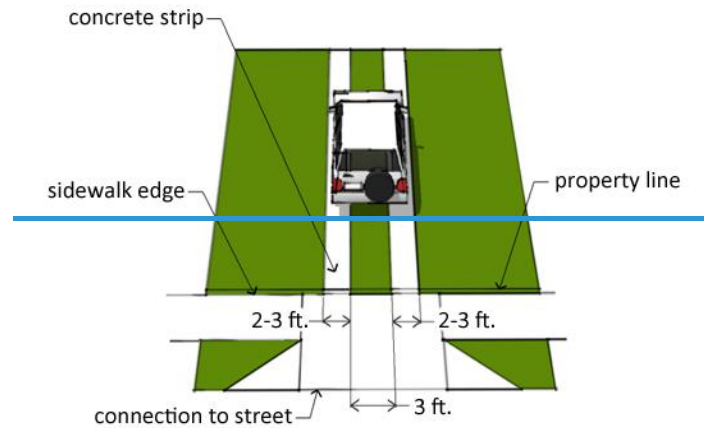
##### a. Driveway Design

~~(1) Driveways shall be shared with a recorded shared access agreement for any pair of lots.~~

~~(2) Driveways shall be designed as a "ribbon" (a.k.a. "strip") driveway as follows:~~

~~(i) Each strip shall be two to three feet wide with a three-foot separation.~~

~~(ii) The strips can terminate at the sidewalk or driveway apron, and to a parking pad at side or rear of the structure, to accommodate side-by-side parking or a garage entry.~~



**ba. Trees** [Text remains unchanged]

**c. Downspouts**

In the Urban Tier, downspouts shall direct stormwater runoff over pervious area and not piped to right-of-way.

**db. Alley Access** [Text remains unchanged]

**c. Sustainable Requirement**

Small Lots and Reduced Pole Flag Lots must include one approved sustainable feature including, ribbon driveway, grid-connected solar photovoltaic array<sup>1</sup>, solar hot water heating for domestic hot water<sup>2</sup>, spray foam insulation, Green Building Certification, use of WaterSense products<sup>3</sup>, no on-site parking, downspouts not piped to the right-of-way, or projects utilizing any part of the Affordable Housing Bonus as outlined in Section 6.6.

1. An on-site system that is estimated by the installer to produce at least 25% of the home's energy needs.
2. Energy Star certified water heating system designated as Solar with Electric Backup or Solar with Gas Backup.
- 0-3. To satisfy this requirement all toilets, bathroom faucets, and showerheads must meet the EPA criteria for WaterSense.

## 7.1.4 Traditional House

### B. Development Standards

A traditional house shall be permitted in accordance with the table below. A traditional house shall also be permitted in the RR District in a conservation subdivision in accordance with the standards of paragraph 6.2.1A, Dimensional Standards.

Traditional House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
<b>Conventional Subdivision</b>							
<b>Lot Dimensions</b> (min. square feet)							
Lot Area (w/o averaging)	20,000	10,000	8,000	5,000	5,000	3,500	5,000
Lot Area (with averaging) <sup>1</sup>	17,000	8,500	6,800	4,250	4,250	2,975	4,250
Lot Width (feet)	100	75	60	35	45	35	35
<b>Yards</b> (min. feet) <sup>2</sup>							

Traditional House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Street Yard	5	5	5	5	5	5	5
Side Yard (single)	12	10	9	6	<del>65</del>	<del>65</del>	<del>65</del>
Side Yard (total) (no side yard total in Urban Tier)	30	24	22	15	—	—	—
Rear Yard	25	25	25	25	25	25	25
<b>Cluster Subdivision</b>							
<b>Lot Dimensions (min.)</b>							
Lot Area (square feet)	10,000	5,000	4,000	—	3,500	—	—
Lot Width (feet)	75	40	40	—	35	—	—
<b>Yards (min. feet)</b>							
Street Yard	<del>50</del>	<del>50</del>	<del>50</del>	—	<del>50</del>	—	—
Side Yard (single)	9	6	6	—	5	—	—
Side Yard (total) (no side yard total in Urban Tier)	22	13	12	—	—	—	—
Rear Yard	25	25	25	—	25	—	—

1 Lot area with averaging may only be used if the requirements of paragraph 6.4.3C, Lot Averaging, and paragraph 6.5.3B, Lot Averaging, as appropriate, are met.

2 Yard modifications may be required pursuant to a neighborhood protection overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

## 7.1.5 Attached House

### B. Development Standards

An attached house shall be permitted in accordance with the table below. An attached house shall also be permitted in the RR District in a conservation subdivision in accordance with the standards of District in a conservation subdivision in accordance with the standards of 6.2.1A, Dimensional Standards.

Attached House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
<b>Conventional Subdivision</b>							
<b>Lot Dimensions (min. square feet)</b>							
Note: "*" denotes (Suburban Tier/Urban Tier)							
"Per Pair" denotes that the minimum number required applies to the pair of units. For example in RU-M, the lot area means the sum of the two lots necessary for the pair of units must be at least 3,500 square feet.							
Lot Area per Pair (w/o averaging)	—/20,000*	—/10,000*	—/8,000*	5,000	5,000	3,500	3,500
Lot Area per Pair (with averaging) <sup>1</sup>	—/17,000*	—/8,500*	—/6,800*	4,250	4,250	2,975	2,975
Lot Width per Pair (feet)	—/100*	—/75*	—/60*	35	45	35	35
<b>Yards (min. feet)<sup>2,3</sup></b>							
Street Yard (adjoining collector or greater street)	35	25	25	25	<del>2015</del>	<del>1510</del>	10
Street Yard (adjoining local street)	35	25	25	20	<del>2010</del>	<del>1510</del>	10
Side Yard (unattached side)	12	10	9	6	<del>65</del>	<del>65</del>	<del>65</del>

Attached House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Rear Yard	25	25	25	25	25	25	25
<b>Cluster Subdivision</b>							
<b>Lot Dimensions</b> (min.)							
Lot Area per Pair (square feet)	10,000	5,000	4,000	—	3,500	—	—
Lot Width per Pair (feet)	75	40	40	—	40	—	—
<b>Yards</b> (min. feet)							
Street Yard	<del>25</del> 0	<del>20</del> 0	<del>20</del> 0	—	<del>15</del> 0	—	—
Side Yard (unattached side)	9	6	5	—	5	—	—
Rear Yard	25	25	25	—	25	—	—

1 Lot area with averaging may only be used if the requirements of paragraphs 6.3.3C, Lot Averaging, 6.4.3C, Lot Averaging, and 6.5.3B, Lot Averaging, as appropriate, are met.

2 Yard modifications can be required pursuant to a Neighborhood Protection Overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

3. Attached House lots that have vehicular access from the rear may reduce the minimum street yard to 5 feet.

## E. Driveways

Driveways ~~shall~~ may be shared with a recorded shared access agreement between two pairs of lots using this housing type.

## F. Small Lot Option

Small Lot Option can apply and the provisions within paragraph 7.1.2.C shall apply to the attached house lot pair.

Example: A 2,000 square foot lot that meets the Small Lot requirements can become two lots with an Attached Home.

## 7.1.6 Duplex

### B. Development Standards

A duplex shall be permitted in accordance with the table below. A duplex shall also be permitted in the RR District in a conservation subdivision in accordance with the standards of paragraph 6.2.1A, Dimensional Standards.

Attached House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
<b>Conventional Subdivision</b>							
<b>Lot Dimensions</b> (min. square feet)							
Note: “*” denotes (Suburban Tier/Urban Tier)							
Lot Area (w/o averaging)	—/20,000*	—/10,000*	—/8,000*	5,000	5,000	3,500	3,500
Lot Area (with averaging) <sup>1</sup>	—/17,000*	—/8,500*	—/6,800*	4,250	4,250	2,975	2,975
Lot Width (feet)	—/100*	—/75*	—/60*	35	45	35	35
<b>Yards</b> (min. feet) <sup>2</sup>							
Street Yard (adjoining collector or greater street)	35	25	25	25	<del>20</del> 15	<del>15</del> 10	10
Street Yard (adjoining local street)	35	25	25	20	<del>20</del> 10	<del>15</del> 10	10



Attached House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Side Yard (single)	12	10	9	6	<del>65</del>	<del>65</del>	<del>65</del>
Side Yard (total) (no side yard total in Urban Tier)	30	24	22	15	—	—	—
Rear Yard	25	25	25	25	25	25	25
<b>Cluster Subdivision</b>							
<b>Lot Dimensions (min.)</b>							
Lot Area (square feet)	10,000	5,000	4,000	—	3,500	—	—
Lot Width (feet)	75	40	40	—	40	—	—
<b>Yards (min. feet)</b>							
Street Yard	<del>250</del>	<del>200</del>	<del>200</del>	—	<del>150</del>	—	—
Side Yard (single)	9	6	5	—	5	—	—
Side Yard (total) (no side yard total in Urban Tier)	22	13	12	—	—	—	—
Rear Yard	25	25	25	—	25	—	—

- 1 Lot area with averaging may only be used if the requirements of paragraphs 6.3.3C, Lot Averaging, 6.4.3C, Lot Averaging, and 6.5.3B, Lot Averaging, as appropriate, are met.
- 2 Yard modifications can be required pursuant to a Neighborhood Protection Overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

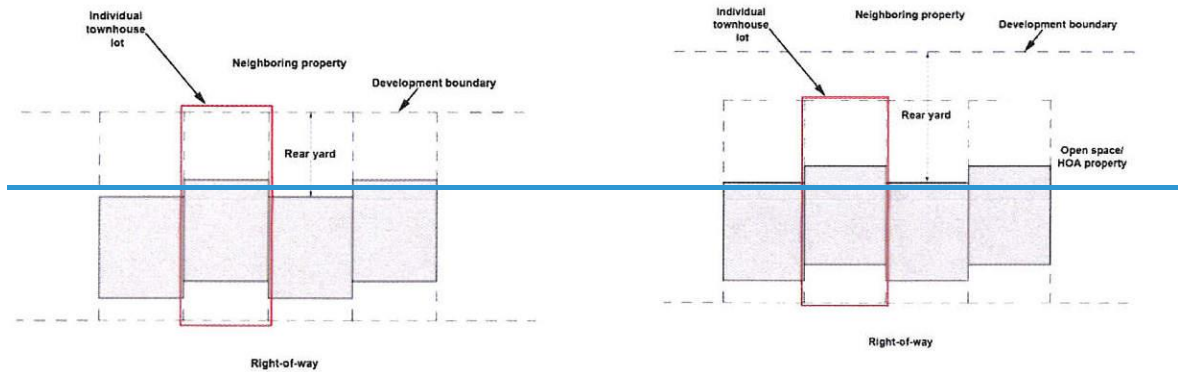
### 7.1.7 Townhouse

#### B. Development Standards

1. A townhouse shall be permitted in accordance with the table below.

Townhouse Standards	Suburban	Urban and Compact Neighborhood
<b>Yards (min. feet)</b>		
Street Yard	25 <sup>1,2</sup>	12 <sup>1</sup>
Street Yard with Front Vehicular Access (from ROW)	25 <sup>1,3</sup>	20 <sup>1</sup>
Street Yard with Rear Vehicular Access (from alley)	5	5
<u>Street Yard (Cluster Subdivision)</u>	<u>0</u>	<u>0</u>
Rear Yard <sup>4</sup>	20	20
<u>Rear Yard (Cluster Subdivision)<sup>4</sup></u>	<u>0</u>	<u>0</u>
<u>Distance between Building and Shared Parking (minimum feet)</u>	<u>12</u>	<u>0</u>
<u>Building Separation (minimum feet)</u>	<u>10</u>	<u>10</u>

- 1 Yard modifications can be required pursuant to a Neighborhood Protection Overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).
- 2 Yards can be reduced to as little as 12 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.
- 3 Front vehicular access can be reduced to as little as 20 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.
- 4 The rear yard shall be measured from the property line forming the boundary of the development site.



~~2. In order to provide visual diversity, no more than four contiguous townhouse units shall be allowed with the same setback and the same façade treatment. Variations in setback shall be at least three feet. Townhouses in a Historic District and Landmarks Overlay may be exempted from this requirement with the approval of the Historic Preservation Commission.~~

~~2.3.~~ Building configurations shall consist of at least three units except as follows:

- a. In the Urban Tier, a maximum of 50% of the buildings can consist of two units.
- b. In the Suburban Tier, a maximum of 25% of the buildings can consist of two units.

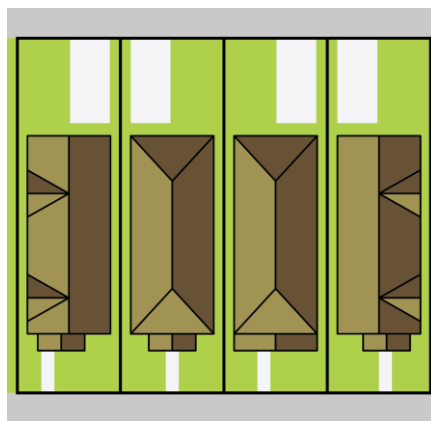
**C. Access** [Text remains unchanged]

#### ~~D. Privacy~~

~~Townhouses shall have a front, side, or rear privacy yard having a minimum area of 100 square feet on each lot.~~

**ED. Location of Common Recreation Facilities** [Text remains unchanged]

### 7.1.8 Detached Rowhouse



#### **A. Description**

A detached rowhouse is a building made up of detached dwelling units, where each unit is on an individual lot and the units are lined up in a row.

#### **B. Development Standards**

1. A detached rowhouse shall be permitted in accordance with the table below.

<u>Detached Rowhouse Standards</u>	<u>Suburban</u>	<u>Urban and Compact Neighborhood</u>
<u>Yards (min. feet)</u>		
<u>Street Yard</u>	<u>25<sup>1,2</sup></u>	<u>12<sup>1</sup></u>
<u>Street Yard with Front Vehicular Access (from ROW)</u>	<u>25<sup>1,3</sup></u>	<u>20<sup>1</sup></u>
<u>Street Yard with Rear Vehicular Access</u>	<u>5</u>	<u>5</u>
<u>Street Yard (Cluster Subdivision)</u>	<u>0</u>	<u>0</u>
<u>Rear Yard<sup>4</sup></u>	<u>20</u>	<u>20</u>
<u>Rear Yard (Cluster Subdivision)<sup>4</sup></u>	<u>0</u>	<u>0</u>

1 Yard modifications can be required pursuant to a Neighborhood Protection Overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

2 Yards can be reduced to as little as 12 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

3 Front vehicular access can be reduced to as little as 20 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

4 The rear yard shall be measured from the property line forming the boundary of the development site.

### **C. Access**

Where an improved and maintained alley is provided, all vehicular access shall be taken from the alley.

Commentary: It is recommended that preliminary site design also considers emergency access and rescue requirements of the Building Code for townhouses.

### **D. Location of Common Recreation Facilities**

Common recreation areas, such as a clubhouse, swimming pool, and/or tennis, volleyball, or basketball courts, shall be oriented internally or along major roadways, and away from residential development on neighboring properties. All such facilities shall be visible from and have substantial access to a street.

### **7.1.8-7.1.9 Multiplex** [Text remains unchanged]

### **7.1.97.1.10 Apartment**

#### **A. Description**

An apartment is a multifamily housing type on a single tract or parcel of land containing five or more units. Apartments can vary in height; the individual units can be located on separate floors or side-by-side and can be attached or detached. ~~—Parking is often shared in a consolidated area, even when garages and carports are used.~~

## **PART 6**

[Amendments to Article 8, Environmental Protection]

### **Sec. 8.7 Watershed Protection Overlay Standards**

[Paragraphs not listed remain unchanged]

#### **8.7.2 General Requirements**

#### **D. Ownership, Design, and Maintenance of Engineered Stormwater Controls**

4. No certificate of compliance shall be issued for any structure constructed within a site proposed for development, other than as allowed below, until the City Public Works Director or County Engineer, or their designees, as appropriate, has approved construction of the engineered

stormwater controls and after review and approval of submitted “as-built” drawings. Notwithstanding this requirement, the Stormwater Division of the City may allow for delay in approval of construction of stormwater controls and submission and approval of as-built drawings for single family housing, duplexes, ~~and townhouses,~~ and detached rowhouses) and other developments requiring multiple certificates of occupancy in accordance with adopted policies of the City.

## **PART 7**

[Amendments to Article 9, Landscaping and Buffering]

### **Sec. 9.4 Project Boundary Buffers**

[Paragraphs not listed remain unchanged]

#### **9.4.1 Applicability**

##### **H. Same Use Category Exemption**

No project boundary buffers shall be required between uses in the same top level Use Category, categorized as follows:

1. Agricultural
2. Residential
3. Public and Civic
4. Commercial
5. Office
- 4-6. Industrial

#### **9.4.3 Standards**

##### **C. Modifications of the Project Boundary Buffer Table**

3. Nonresidential uses proposed next to property used for residential purposes, although nonresidentially zoned, shall provide a buffer along the side of the property adjoining the property used residentially equivalent to one-half of the buffer width that would have been required for property with a residential zoning designation within that Tier. Except for industrial uses, as an alternative to a buffer, a wall pursuant to paragraph 9.4.8, Walls, Berms and Fences in Buffers may be provided.

#### **9.4.5 Constructed Buffer**

##### **C. Urban, Compact Neighborhood, and Downtown Tiers**

4. For projects within the Urban Tier, CI District, and Design Districts, no buffer shall be required for projects on lots less than 20,000 square feet, except for Industrial uses, which shall provide buffers pursuant to paragraph Section 9.4 Project Boundary Buffers.

## **PART 8**

[Amendments to Article 10, Parking and Loading]

### **Sec. 10.3 Required Parking**

[Paragraphs not listed remain unchanged]

#### **10.3.1 Required Motorized Vehicle and Bicycle Parking**

##### **B. Required Parking**

1. The amount of motor vehicle parking shall be a percent of the amount indicated in paragraph 10.3.1A.4, Parking Rate Table. The minimum and maximum parking rates are as follows. For fractions, refer to paragraph 10.2.5, Calculation of Spaces.

Location	Minimum <sup>4</sup>	Maximum
Downtown Design (DD) District	None	100%
Suburban and Rural Tiers	<del>100%</del> None	175%
Urban Tier <sup>1</sup>		
All Districts except Commercial Infill (CI)	<del>90%</del> None	175%
Commercial Infill (CI) District	<del>80%</del> None	100%
Compact Neighborhood Tier <sup>1, 2, 3</sup>		
All Districts except Compact Suburban Design (CSD) Districts	<del>If use(s) are within 400 feet of the Tier boundary: 80%; Otherwise: None</del> None	100%
Compact Suburban Design District – Core (CSD-C)	None	50%
Compact Suburban Design District – Support 1 (CSD-S1)	None	100%
Compact Suburban Design District – Support 2 (CSD-S2)	<del>50%</del> None	100%

1 For all households living within the Compact Neighborhood Tier, and affordable housing dwelling units in the Urban Tier, see paragraph 10.3.1B.7.

2 For projects qualifying for the affordable housing bonus, see paragraph 10.3.1B.11.

3 For the North RTP and Triangle Metro Center Compact Neighborhood Tiers, see paragraph 10.3.1B.5.

4 For methods to reduce minimum parking requirements, see paragraphs 10.3.1B.9 and 10.

*Example: The parking schedule is a baseline calculator for the amount of motor vehicle parking for a particular use or uses, subject to the location minimum and maximum requirements of the tier or specific zoning district. For example, if a use, per the parking table, generates a rate of 100 spaces, the amount of parking permitted is as follows:*

*DD: Minimum – none; maximum – 100 spaces*

*Suburban and Rural: Minimum – ~~100 spaces~~none; Maximum – 175 spaces*

*Compact Neighborhood (All districts except CSD): Minimum – None; Maximum – 100 spaces*

*Compact Neighborhood – CSD Districts:*

*Core: Minimum-None; Maximum – 50 spaces*

*Support 1: Minimum – None; Maximum – 100 spaces*

*Support 2: Minimum – ~~50 spaces~~None; Maximum – 100 spaces*

*Urban (except CI): Minimum – ~~90 spaces~~None; maximum – 175 spaces*

*CI District: Minimum – ~~80 spaces~~None; maximum – 100 spaces*

2. Bicycle parking rates for the SRP-C District (County Only), Compact Neighborhood and Downtown Tiers shall be pursuant to paragraph 10.3.3, Bicycle Parking in the SRP-C District (County Only), Downtown and Compact Neighborhood Tiers.

3. The amount of required parking for colleges or universities within the UC or UC-2 districts shall be determined pursuant to paragraph 6.11.4I, Parking.

4. Unless a use is a college or university, passenger terminal, within the SRP-C District (County Only), or located in the Downtown or Compact Neighborhood Tiers, the maximum number of required bicycle parking spaces shall be 100.

5. For the North RTP and Triangle Metro Center Compact Neighborhood Tiers: Uses located in these areas approved prior to January 1, 2006, can utilize the ~~minimum and~~ maximum parking rates established for the Suburban Tier until such time as regional mass transit is available in the applicable tier area.

#### ~~6. Change of Use~~

~~A change of use of an existing building shall not be required to provide additional parking in the following instances. New buildings or expansion areas of existing buildings within these districts shall be required to meet all off-street motor vehicle parking requirements.~~

~~a. In the Pedestrian Business sub-district of a CD District, or within a CI District.~~

~~b. In any other district where an increase of no more than 20% additional parking would be required.~~

~~76.~~ In the following tiers, the motor vehicle parking rates for household living dwelling units shall be as follows. Where parking is provided for developments with affordable housing dwelling units, parking spaces shall not be reserved, designated, or otherwise set aside for market-rate versus affordable units:

	Minimum	Maximum
<b>Compact Neighborhood Tier (except CSD Districts):</b>		
Household Living, except as Listed Below	<del>1 space/unit</del> None	2 spaces/unit
Affordable Housing Dwelling Units	None	2 spaces/unit
<b>Compact Suburban Design Districts:</b>		
CSD-C and CSD-S1	None	1.5 spaces/unit
CSD-S2	<del>1 space/unit</del> None	2 spaces/unit
Affordable Housing Dwelling Units	None	See sub-district maximum
<b>Urban and Suburban Tiers:</b>		
Affordable Housing Dwelling Units	None	2 spaces/unit

#### ~~87.~~ **Methods to Exceed Maximum Parking** [Text remains unchanged]

#### ~~9. Parking Reduction Allowed by Right~~

~~The minimum amount of motor vehicle parking can be reduced using the following methods, individually or in combination, for an overall maximum reduction of 30%. For reductions applicable to Compact Neighborhood Tiers, see paragraph e below.~~

#### ~~a. Shared Parking~~

~~Proposed developments or change of use with two or more uses can reduce the total minimum parking requirements by a maximum of 30% if the following factors are demonstrated through a parking generation analysis, prepared and sealed by a registered engineer with transportation expertise, documenting the following:~~

- ~~(1) The peak hours for each use do not overlap; and~~
- ~~(2) The proposed amount of parking is sufficient to accommodate the anticipated demands for each of the uses at peak hour.~~

**~~b. Public Transit~~**

~~A maximum 10% reduction is permitted for proposed development sites or change of use sites where public transit stops exist or will be provided at a location approved by the transit provider as part of the site plan submittal.~~

- ~~(1) The stop shall be within one-half mile walking distance;~~
- ~~(2) The stop and development site shall be connected via an existing or proposed paved and handicap accessible walkway or sidewalk; and~~
- ~~(3) Crossings shall be at grade and at appropriate intersections. No mid-block crossings shall satisfy this option.~~

**~~c. Additional Bicycle Parking~~**

~~A maximum of 5% reduction is permitted if an additional six bicycle parking spaces are provided for each motor vehicle parking space reduced.~~

**~~d. Additional Tree Coverage~~**

~~A maximum of 15% reduction is permitted if the following additional tree coverage is provided per one parking space:~~

- ~~(1) An additional canopy tree is preserved and protected; or~~
- ~~(2) One canopy tree and two understory trees are planted;~~
- ~~(3) The following shall also apply:~~
  - ~~(a) An appropriate species per the Landscape Manual shall be used for planting.~~
  - ~~(b) A minimum dbh of six inches shall qualify as a preserved tree.~~
  - ~~(c) Root zone protection standards of this Ordinance shall apply.~~
  - ~~(d) The additional planted or protected tree(s) shall not count towards any other Ordinance requirement.~~

**~~e. Reductions Applicable in Compact Neighborhood Tiers~~**

- ~~(1) All uses within projects utilizing the affordable housing bonuses, per Sec. 6.6, Affordable Housing Bonus, or paragraph 16.1.3E.2.d, Affordable Housing Density Bonus, shall be exempt from required minimum parking.~~
- ~~(2) The parking reduction methods in paragraph 10.3.1B.9.a and b can be applied in Compact Neighborhood Tiers.~~
  - ~~(a) No maximum overall reduction shall apply.~~
  - ~~(b) The maximum reduction for utilizing shared parking shall be 50%.~~
- ~~(3) The minimum required parking for all districts except CSD Districts Compact Neighborhood Tiers in paragraph 10.3.1B.1 shall only apply to properties within Compact~~

~~Neighborhood Tiers that are within 400 feet of the boundary of the Tier. Properties outside of this area shall have no minimum parking requirement.~~

#### **~~10. Parking Reductions Allowed with a Minor Special Use Permit~~**

~~Except for the Compact Neighborhood Tiers, reductions of more than 30% of required motor vehicle parking shall require the approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit. In addition to the findings within paragraph 3.9.8A, General Findings, the following findings shall be made:~~

- ~~a. Current industry standards and parking rate methodologies were utilized;~~
- ~~b. Comparable developments that serve similar population densities or development intensities were studied; and~~
- ~~c. The reduction will protect local, State, or federal designated historic resources, if applicable to the site.~~

~~11. In the Compact Neighborhood Tier, all uses within projects utilizing the affordable housing bonuses, per Sec. 6.6, Affordable Housing Bonus; paragraph 16.1.3E.2.d, Affordable Housing Density Bonus; or paragraph 16.1.3E.3.c, Affordable Housing Density Bonus, shall be exempt from required minimum parking.~~

#### **~~C. Alternate Forms of Compliance~~**

##### **~~1. Off site parking, including publicly controlled parking:~~**

~~Proposed development can satisfy motor vehicle parking requirements through existing off-site parking not proposed as part of the development site or change of use pursuant to the following criteria:~~

- ~~a. All required handicapped accessible parking spaces shall be provided on-site;~~
- ~~b. The spaces are not on street parking spaces;~~
- ~~c. The spaces at the donor site are located no further than 1,000 linear feet walking distance to the main entrance of the proposed facility along an existing or proposed public or private (with pedestrian access agreement) paved, handicapped accessible route;~~
- ~~d. The walking route to and from the off-site parking does not cross a boulevard, major thoroughfare, expressway, or freeway, unless controls are existing or proposed to allow for pedestrian crossing;~~
- ~~e. Crossings of right-of-way shall be at-grade at appropriate intersections, and not mid-block;~~
- ~~f. The spaces provided by the donor site are in excess of the minimum parking requirements for that site, or the shared parking requirements pursuant to paragraph 10.3.1B.9.a, can be satisfied;~~
- ~~g. A lease agreement between the record owners shall be required. The owner of the off-site parking area shall enter into a written agreement in a form acceptable to the City or County Attorney, as appropriate, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that such agreement shall bind his heirs, successors, and assigns; and~~
- ~~h. Residential parking areas cannot serve as off-site parking for non-residential uses.~~

#### **~~2. On Street Parking Credit in Urban and Compact Neighborhood Tiers~~**



~~Within any zoning district within the Urban and Compact Neighborhood Tiers, one required motor vehicle parking space shall be satisfied for every 23 contiguous feet of street frontage for which there is adjacent permitted on-street parking.~~

~~a. Credit for on-street parking shall only be counted towards one of the uses in any multi-use development.~~

~~b. Credit shall not be given for a partial space.~~

~~c. Credit for nonhandicapped accessible parking spaces shall not be given for designated handicapped accessible spaces, loading zones, or taxi stands.~~

~~d. For required handicapped accessible spaces, existing or proposed spaces designated along the same blockface as the development site shall satisfy the requirement. Designation of new on-street handicapped accessible spaces shall meet the City Transportation Department or NCDOT requirements, as applicable.~~

~~Commentary: Although this standard may not result in additional handicapped accessible parking spaces for the project per this Ordinance, consultation with the City County Inspections Department is recommended to determine any other accessibility code requirements.~~

~~e. On-street parking used to reduce off-street parking is within the public right-of-way and shall remain available for general use subject to public parking standards.~~

**~~f. Single and Two Family Lot Exception~~**

~~Except in the CSD-S2 district, one off-street parking space shall be required regardless of the amount of contiguous street frontage.~~

**PART 9**

[Amendments to Article 12, Infrastructure and Public Improvements]

**Sec. 12.2 Ingress and Egress Requirements**

[Paragraphs not listed remain unchanged]

**12.2.2 Other Forms of Access**

**B. Ingress/Egress/Regress Easements Other than Private Streets**

Unless otherwise allowed in this Ordinance, ingress/egress easements not involving construction of a private street shall be permitted in the following circumstances:

**1. Single-Family Residence**

Easements shall be allowed for ~~one~~ single-family ~~or two-family lots residence on an existing lot of record as of September 16, 1996. The parcel shall not be further subdivided.~~

**2. Other Instances**

**a. Ingress/Egress/Regress Easements of Record**

Ingress/egress/regress easements of record that were recorded as of September 16, 1996, can continue to serve as access.

**b. Driveways**

A driveway shall be allowed for vehicular access to multiple parcels or lots within a ~~townhouse residential~~ development or shopping center, even if those parcels or lots are individually owned. Any such driveway within a townhouse ~~or detached rowhouse~~ development shall be located entirely in a common area.

c. Driveways and other ingress/egress easements serving a residential development may extend through a nonresidential zoning and may be used to satisfy access requirements. This is allowed if:

- (1) The nonresidential zoning allows for the same type of residential use as the zoning of the residential parcel(s); and
- (2) The access drive or easement is not within an existing or proposed vehicle use area.

### **12.2.3 Acceptance by City of Private Streets**

Prior to acceptance by the City, any private street, or any driveway allowed for access within a townhouse [or detached rowhouse](#) development or shopping center under paragraph 12.2.2B.2.b. above, that is not constructed and maintained to City or NCDOT street standards shall be improved to City street standards.

### **Sec. 12.3 Streets**

[Paragraphs not listed remain unchanged]

#### **12.3.2 Street Names**

##### **C. Townhouses and Pedestrian Malls**

A street name can be established for a driveway allowed for access within a townhouse [or detached rowhouse](#) development under paragraph 12.2.2B.2.b. above, and for a pedestrian mall under paragraph 16.4.3C, Pedestrian Malls. Establishing a name shall not result in circumventing development requirements for private streets, sidewalks, street trees, or other items.

##### **12.3.3 Street Signs and Markers**

A. Standard street name signs shall be installed at one corner of all street intersections, including private streets and named driveways allowed for access within townhouse [or detached rowhouse](#) developments under paragraph 12.2.2B.2.b. above. The size, design, materials, location, fabrication, installation, and maintenance of the signs and poles within the public right-of-way and elsewhere shall be in accordance with City Transportation Department or NCDOT standards, as applicable. The developer or owner of a private street or a common area in which a named driveway is located shall be responsible for permanent maintenance as well as fabrication and installation.

B. Signs denoting the beginning and ending of public maintenance shall also be erected and maintained on private streets and shall be required on named driveways allowed for access within townhouse [or detached rowhouse](#) developments under paragraph 12.2.2B.2.b. above that intersect with the public right-of-way. All such signs shall conform to the street name sign requirements of paragraph A above.

### **Sec. 12.4 Pedestrian and Bicycle Mobility**

[Paragraphs not listed remain unchanged]

#### **12.4.3 Additional Standards for Pedestrian and Bicycle Facilities**

##### **D. Internal Walkways**

1. Walkways shall be provided to satisfy paragraph 12.4.1, General. Additionally, walkways shall be provided along common access driveways and areas that serve as ingress/egress for the development site pursuant to paragraph 12.2.2B.2.b, Driveways, as follows:

- a. A walkway shall be placed along both sides of the driveway or area.
- b. The walkway shall be located no more than five feet from the edge of driveway or area.

- c. Driveways and areas that solely serve as access for rear-loaded townhouses or detached rowhouses or loading areas for nonresidential buildings shall not require walkways.
2. The minimum width of internal walkways shall be four feet, or as required by the State accessibility code, whichever is greater.
3. Walkways shall be constructed of an all-weather solid surface material such as concrete, asphalt, or another similar material that would satisfy the State accessibility code.

## **PART 10**

[Amendments to Article 13, Additional Requirements for Subdivisions]

### **Sec. 13.5 Lot Standards**

[Paragraphs not listed remain unchanged]

#### **13.5.1 Access**

Every buildable lot shall abut a public street, a private street, or a driveway allowed for access within a townhouse-residential development or shopping center under paragraph 12.2.2B.2.b above, capable of providing access to a lot.

## **PART 11**

[Amendments to Article 14, Nonconformities]

### **Sec. 14.4 Nonconforming Improvements and Structures**

[Paragraphs not listed remain unchanged]

#### **14.4.1 Nonconforming Buildings or Structures**

##### **C. Approval**

Additions or improvements to, or reconstruction of, nonconforming buildings and structures shall require approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit, unless exempted as follows:

1. Improvements, or additions of any size, that:
  - a. Comply with all current ordinance requirements, and proposed height is consistent with or less than the existing height of the structure; or
  - b. Bring the structure into greater conformity with current ordinance requirements.
2. Projects that allow existing buildings to meet local health, sanitary, or safety code requirements or that are necessary to ensure safe living or occupancy conditions;
3. Projects that require a certificate of appropriateness pursuant to Sec. 3.17, Certificate of Appropriateness;
4. Additions, with a maximum increase in square footage of 100%, that are proposed between the minimum yard requirement and the existing building encroachment line; ~~Additions, with a maximum increase in square footage of 10%, that are proposed between the minimum yard requirement and the existing building encroachment line;~~
5. Reconstruction of the nonconforming structure that is within the original building footprint and is consistent with the height of the original structure. Proposed additional square footage shall meet the parameters of paragraphs c or d above, as applicable, to be exempt from the requirement of a minor special use permit;

6. Reconstruction or enlargement of, or improvements to a nonconforming structure that is part of a housing program initiated by or supervised by the City, County, or an entity created by the City, County, or State of North Carolina, as long as the degree or extent of the nonconforming feature is not increased.

## **PART 12**

[Amendments to Article 16, Design Districts]

### **Sec. 16.3 Building Design**

[Paragraphs not listed remain unchanged]

#### **16.3.1 Frontage and Building Types**

Frontage types define the interface of the development with the streetscape and public realm. Building types regulate massing of the entire building along all sides.

##### **A. Applicability**

1. Unless otherwise indicated in this Article, building design shall utilize either frontage type requirements or building type requirements, as permitted.

##### **2. Frontage Type Applicability**

- a. Frontage types apply to all façades fronting along the following facilities: public and private streets, existing and adopted light rail corridors, common access drives serving multiple parcels or primary entrances, and public open spaces such as parks, paved trails, and pedestrian malls.
- b. Frontage types shall not apply along alleys, except where there is sole or primary access to a townhouse [or detached rowhouse](#) lot, as allowed pursuant to paragraph 16.4.4D.3.
- c. Frontage types shall not apply along freeways and other similar NCDOT right-of-way.

### **Sec. 16.4 Streetscape, Right-of-Way, and Block/Lot Standards**

[Paragraphs not listed remain unchanged]

#### **16.4.4 Block Standards**

##### **D. Lot Standards**

1. No minimum lot width shall apply, unless otherwise specified within the applicable frontage or building type standards.
2. Except for townhouse [and detached rowhouse](#) lots, every lot shall abut a public street or pedestrian mall.
3. **Townhouse [and Detached Rowhouse](#) Lots**  
Townhouse [and detached rowhouse](#) lots can abut along a public street or alley, pedestrian mall, or common access drive serving the townhouse units.

## **PART 13**

[Amendments to Article 17, Definitions]

### **Sec. 17.3 Defined Terms**

[Definitions not listed remain unchanged]

**Basement:** The lowest level or story which has its floor sub-grade on at least [three-one](#) sides.

**Green Building Certification:** One of the following certifications: any level of Leadership in Energy and Environmental Design (LEED) certification; Energy Star certification; SystemVision standard; Living Building Challenge standard; Home Energy Rating System HERS Index Score of 50 or lower; Passive House certification; or National Green Building Standard certified.

**Multifamily:** A residential use consisting of at least three dwelling units. As described in Sec. 7.1, Housing Types, includes: townhouse; detached rowhouse; multiplex; or apartment.

**Story:** A level that is principally above ground, and not below grade, nor below street level, or within roofline, tower, or a roof deck.

#### **PART 14**

That the Unified Development Ordinance shall be renumbered, including references, as necessary to accommodate these changes and clarifications.

#### **PART 15**

That this amendment of the Unified Development Ordinance shall become effective on October 1, 2023.